

Commonwealth of Massachusetts.



Lobby *No. 8.*
HOUSE OF REPRESENTATIVES,
" "

State House, Boston,

1860

A C T S

AND

R E S O L V E S

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1 8 6 0 :

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOV-
ERNOR, LIST OF THE CIVIL GOVERNMENT,
CHANGES OF NAMES OF PERSONS,

ETC., ETC., ETC.

PUBLISHED BY THE

SECRETARY OF THE COMMONWEALTH.



B O S T O N :

WILLIAM WHITE, PRINTER TO THE STATE.

1 8 6 0 .

A C O N S T I T U T I O N

OR

F O R M O F G O V E R N M E N T

FOR THE

Commonwealth of Massachusetts.

P R E A M B L E .

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish, the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection therein.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art XI. substituted for this.

[III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion

Legislature empowered to compel provision for public worship ;

and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected.

Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Remedies by recourse to the law, to be free, complete and prompt

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to

him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury, in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people

Moral qualifications for office.

Moral obligations
of lawgivers and
magistrates.

ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Right of people
to instruct repre-
sentatives and
petition legisla-
ture.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend
the laws or their
execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of de-
bate, &c., and
reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent ses-
sions, and ob-
jects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation found-
ed on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws
prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to
convict of trea-
son, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or
fines, and cruel
punishments pro-
hibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be
quartered in any
house, unless,
&c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt
from law martial,
unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law,

except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial, and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

See amendments,
Art. X.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceeding the said last Wednesday in May; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve: but if, after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments,
Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court
may constitute
judicatories,
courts of record,
&c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may
administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

General court may enact laws, &c.,

not repugnant to the constitution;

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practiced, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by whom
elected.

See amendments,
Arts. XIII. and
XVI.

ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be
districts, until,
&c.
See amendments,
Arts. XIII. and
XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz.:—

Suffolk, ...	six.	York, ...	two.
Essex, ...	six.	Dukes Co. and Nantucket, .	one.
Middlesex, . . .	five.	Worcester, ...	five.
Hampshire, . . .	four.	Cumberland, ...	one.
Plymouth, ...	three.	Lincoln, ...	one.
Barnstable, . . .	one.	Berkshire, ...	two.
Bristol, ...	three.		

Manner and time
of choosing senators
and councillors.

See amendments,
Arts. II., X., XIV.
and XV.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Com-

See amendments,
Arts. III. XX.
and XXIII.

monwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation, where he dwelleth or hath his home.

Word "inhabitant" defined.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Arts. II. and X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, on the same first Monday in April, at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings.

See amendments, Art. X.

Assessors to notify, &c.

town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

III. And that there may be a due convention of senators on the last Wednesday in May, annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X. XIV. and XXIV.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

Vacancies, how filled.

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen,

VI. The senate shall have power to adjourn themselves ; Senate not to adjourn more than two days.
provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint Shall choose its officers and establish its rules.
its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority to Shall try all impeachments.
hear and determine all impeachments made by the house of

representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the Oath.
members of the senate shall, respectively, be sworn, truly

and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not Limitation of sentence.
extend further than to removal from office, and disqualification

to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate, shall Quorum.
constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, Representation of the people.
and founded upon the principle of equality.

II. And in order to provide for a representation of the Representatives, by whom chosen.
citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative ; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives ; every corporate town, containing six hundred ratable polls, may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, Proviso as to towns having less than 150 ratable polls.
not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.

Towns liable to fine in case, &c.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expense of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII. XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.

Qualifications of a voter.

See amendments, Arts. III. XX. and XXIII.

IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.

Representatives, when chosen. See amendments, Arts. X. and XV.

V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

House alone can impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by

any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Governor and council may punish.

General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCEL-

Governor.

His title.

LENCY.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

To be chosen annually. Qualifications.

See amendments, Art. VII.

By whom chosen,
if he have a ma-
jority of votes.

See amendments,
Arts. II., X., XIV.
and XV.

III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one, who shall be declared governor.

How chosen,
when no person
has a majority.

Power of gover-
nor, and of gov-
ernor and coun-
cil.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

Same subject.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it

See amendments,
Art. X.

together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

See amendments,
Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this Commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, &c.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of twenty-one years of age and upwards; the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address

of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth for the time being. See amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general. Adjutants, &c., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law. Organization of militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court. Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent. All public boards, &c., to make quarterly returns

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

Salary of governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries to be enlarged, if insufficient.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—His Honor; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

President of council.

Lieutenant-governor a member of, except, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, &c.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of nine persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.

See amendments, Art. XVI.

II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

If senators become councillors, their seats to be vacated.

Rank of councillors.

IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council

Register of council.

may insert his opinion, contrary to the resolution of the majority.

Council to exercise the power of governor, in case, &c.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may be adjourned until, &c.

VII. And whereas the elections appointed to be made by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.
Treasurer ineligible for more than five successive years.

ART. I. The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room. And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CONSTITUTION.

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CHAPTER III.

JUDICIARY POWER.

ART. I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Provisions for determining causes of marriage, divorce, &c.

CHAPTER IV.

DELEGATES TO CONGRESS.

The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and

Delegates to congress

house of representatives assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

SECTION I.

The University.

Harvard College.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state ; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this, and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Powers, privileges, &c., of the president and fellows, confirmed.

All gifts, grants, &c., confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively ; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of

Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Who shall be
overseers.

Power of altera-
tion reserved to
the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools

Duty of legisla-
tures and magis-
trates in all fu-
ture periods.
See amendments,
Art. XVIII.

in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &C.

ART. I. Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

See amendments,
Art. VII.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments,
Art. VI.

“I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts

is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "*I do swear,*" "*and abjure,*" "*oath or,*" "*and abjuration,*" in the first oath; and in the second oath, the words "*swear and,*" and in each of them the words "*So help me, God;*" subjoining instead thereof, "*This I do under the pains and penalties of perjury.*"

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid,

before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, &c., except, &c.
See amendments, Art. VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as

by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible offices.

See amendments, Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c., operates disqualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money ascertained Property qualifications.

See amendments, Art. XIII.

III. In all cases, where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time,

to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same." The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are Officers of former government continued until, &c.

designated and invested with their respective trusts, powers and authority.

Provision for revising constitution.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city govern-

ments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 533. See amendments, Arts. XX. and XXIII.

Notaries public, how appointed and removed.

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

hold the same until a successor shall be appointed by the general court.

Commissary-general may be appointed, in case, &c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote for captains and subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under, as those above the age of twenty-one years, shall have a right to vote.

Oath to be taken by all officers ;

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit :—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

or affirmation in case, &c.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, God.” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth ; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-

general, county-attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments to constitution, how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next

Commencement of political year,

and termination.

following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to con-

tract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal

Towns may unite into representative districts.

meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of apportionment of senators and representatives.

ART. XIII. A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, accord-

ing to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned. See amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth, shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Towns may unite into representative districts.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as

Councillors to be chosen from the people at large.

See amendments, Art. XVI. soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.

Qualifications of councillors. Freehold as a qualification not required. No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes. ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature. ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people. ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census, thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however,* that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election

Legislature to district State.

Day and manner of election, &c.

of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceeding his election or appointment.

To qualify within 10 days, otherwise office to be deemed vacant.

Qualifications requisite.

School moneys not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended ; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. ch. 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of

each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and

House to consist
of 240 members.
Legislature to
apportion, &c.

Qualifications of
representatives.

One hundred members a quorum.

the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census, &c.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

Residence of two years required of naturalized, citi-

ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have

resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.

zen, to entitle to
suffrage or make
eligible to office.

ART. XXIV. Any vacancy in the senate shall be filled by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the
senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the
council.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, “That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution.” The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829–30, and 1830–31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people, November 11, 1833.

CONSTITUTION.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles of Amendment were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article of Amendment was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles of Amendment were adopted by the legislatures of the political years 1859 and 1860, respectively, and ratified by the people on the seventh day of May, 1860.]

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GENERAL STATUTES
AND
SPECIAL ACTS
OF
MASSACHUSETTS,
PASSED
1860.

☞ The General Court of 1860 assembled in the State House in Boston, on Wednesday, the fourth day of January, and was prorogued on Wednesday, the fourth day of April.

The oaths of office required by the Constitution, were administered to His Excellency NATHANIEL P. BANKS, on Friday, the sixth day of January.

A C T S,

G E N E R A L A N D S P E C I A L.

AN ACT AUTHORIZING THE REMOVAL OF THE BALCONIES OF THE Chap. 1. HOUSE OF REPRESENTATIVES.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sergeant-at-arms is hereby authorized to cause the balconies in front of the galleries of the representatives' hall, to be at once removed : *provided*, that the total expense of said removal, and of such repairs upon the remaining galleries as may be necessary in consequence of said removal, shall not exceed one hundred and fifty dollars.

Removal authorized.

Proviso.

SECTION 2. This act shall take effect on and after its passage.

Approved January 20, 1860.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE BUSINESS OF Chap. 2. BANKING.

Be it enacted, &c., as follows :

SECTION 1. Any bank doing business under an act entitled "An Act to authorize the Business of Banking," chapter two hundred and sixty-seven of the acts of the year one thousand eight hundred and fifty-one, may at any time return any portion of its circulating notes to the auditor, who shall forthwith on receiving the same cause them to be destroyed in his presence, and in the presence of the president and cashier of the bank ; and a certificate thereof shall be entered upon the books of the auditor, and signed by said auditor and said president and cashier.

Banks doing business under general law, may return circulating notes to auditor to be destroyed, &c.

SECTION 2. This act shall take effect from and after its passage, and be in force until the first day of June next.

Approved January 28, 1860.

AN ACT TO CHANGE THE TIME OF HOLDING THE MEETINGS OF THE Chap. 3. COMMISSIONERS OF THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows :

SECTION 1. Instead of the regular meeting, now by law required to be held by the commissioners of the county of

Last Tuesday of December.

Berkshire, on the first Tuesday of January, the commissioners shall hold such meeting at Lenox, on the last Tuesday of December in each year.

SECTION 2. This act shall take effect on the first day of July next.

Approved January 28, 1860.

Chap. 4.

AN ACT CONCERNING THE PETERBOROUGH AND SHIRLEY RAILROAD COMPANY.

Be it enacted, &c. follows :

May sell franchise, &c., to Fitchburg Railroad Co.

Privileges, restrictions, &c.

In case of sale, Peterborough and Shirley R. Co. to continue in existence for two years, &c.

SECTION 1. The Peterborough and Shirley Railroad Company are hereby authorized to sell and convey to the Fitchburg Railroad Company, their franchise, rights and railroad, together with all their corporate property and powers. In case of sale, the Fitchburg Railroad Company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, imposed upon said Peterborough and Shirley Railroad Company, excepting the debts of said company.

SECTION 2. In the event of sale as authorized by the foregoing section, the Peterborough and Shirley Railroad Company may continue its corporate existence for two years from the passage of this act, for the purpose of settling and closing its concerns; and for this purpose only shall have all the corporate powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 3. This act shall take effect from and after its passage.

Approved January 30, 1860.

Chap. 5.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE WAMSUTTA MILLS.

Be it enacted, &c., as follows :

Increase of \$500,000 authorized.

The Wamsutta Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding five hundred thousand dollars, and to invest such portion thereof, in real and personal estate, as may be necessary and convenient for the purposes for which they have been incorporated.

Approved February 2, 1860.

Chap. 6.

AN ACT TO INCORPORATE THE EAST BOSTON IMPROVEMENT COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name.

SECTION 1. Charles Houghton, Langdon Coffin, James M. Stone, and Richard Lang, their associates and successors, are hereby made a corporation, by the name of the East Boston Improvement Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 2. Said corporation may purchase, receive in payment of work performed, hold and convey the whole or any part of certain marsh lands and flats, not to exceed in amount one hundred acres, now the property of the East Boston Company, situated in that part of Boston known as East Boston, and limited on the west by the track of the Eastern Railroad, on the north by Neptune Street, on the east by Cottage Street, till it intersects with Putnam Street; thence on Putnam Street east to a point not beyond the line of the East Boston Company's land, nor beyond the present sea-wall; thence as said company may own, but not outside the present sea-wall, to Maverick Street; thence by Maverick Street, Cottage Street and Decatur Street, to the said Eastern Railroad track, and for the most part comprised within what is called the "Basin;" and may grade, drain, and otherwise improve said lands, and may divide the same or the proceeds thereof among the stockholders after paying the debts of the corporation.

Powers of corporation and location of property.

SECTION 3. This act shall not be construed to give any right to grade, drain or improve any land not belonging to the East Boston Company, nor to confer any rights additional to those now possessed by said East Boston Company, nor to deprive the city of Boston of the power to regulate the line of the streets and the grading and drainage thereof.

Restrictive rights.

SECTION 4. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT TO INCORPORATE THE EVERETT MILLS.

Be it enacted, &c., as follows:

Chap. 7.

SECTION 1. James Dana, Samuel Batchelder, Charles W. Cartwright, their associates and successors, are hereby made a corporation, by the name of the Everett Mills, for the purpose of manufacturing cotton and other fibrous materials, in the city of Lawrence, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven, and all acts passed subsequent thereto relating to manufacturing corporations.

Corporators.

Name.

Location.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred thousand dollars; and the whole capital stock of said corporation shall not exceed eight hundred thousand dollars, in shares of one hundred dollars each; and no shares of

Real estate.

Capital.

said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECTION 3. This act shall take effect from and after its passage.

Approved February 2, 1860.

Chap. 8.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MANUFACTURERS' INSURANCE COMPANY, IN BOSTON.

Be it enacted, &c., as follows :

Charter extended.

The statute of the year one thousand eight hundred and twenty-two, incorporating the Manufacturers' Insurance Company, and the several acts in addition thereto, shall be continued and remain in force from and after the twenty-third day of February, in the year one thousand eight hundred and sixty-two ; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted.

Approved February 2, 1860.

Chap. 9.

AN ACT TO AUTHORIZE THE INSTITUTION FOR SAVINGS IN THE TOWN OF BARNSTABLE TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

Amount.

SECTION 1. The institution for savings in the town of Barnstable is hereby authorized to hold real estate within the town of Barnstable, to an amount not exceeding fifteen thousand dollars : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

ap. 10.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO FILL UP A PORTION OF A CREEK IN SAID CITY.

Be it enacted, &c., as follows :

author.

SECTION 1. The city of Cambridge is hereby authorized to fill and make solid that portion of the creek leading from broad canal to south canal, which lies within the limits of Broadway, in said city : *provided*, that said city of Cambridge shall construct and forever maintain a good and sufficient culvert under said street, for the drainage of the lands lying between Broadway and Harvard Street.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT CONCERNING ASSISTANT CLERKS OF COUNTY COMMISSIONERS. *Chap. 11.*
Be it enacted, &c., as follows :

SECTION 1. The assistant clerks of the courts in the several counties, shall be assistant clerks of the county commissioners. Ass't clerks of courts to be ass'ts to commissioners.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, AT THE PRESENT SESSION THEREOF. *Chap. 12.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for mileage and compensation of the members of the senate and house of representatives, at the present annual session thereof: Appropriation authorized.

For the mileage of senators, a sum not exceeding four hundred dollars. Mileage.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars. Compensation.

For the compensation of representatives, a sum not exceeding seventy-two thousand four hundred dollars.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT TO INCORPORATE THE ATTLEBOROUGH SAVINGS BANK. *Chap. 13.*
Be it enacted, &c., as follows :

H. M. Richards, S. Bowen, E. Ira Richards, Josiah D. Richards, George Morse, their associates and successors, are hereby made a corporation, by the name of the Attleborough Savings Bank, to be established and located in the town of Attleborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Corporators. Name. Powers and Restrictions.

Approved February 2, 1860.

AN ACT CONCERNING THE FREE PUBLIC LIBRARY OF THE CITY OF WORCESTER. *Chap. 14.*

Be it enacted, &c., as follows :

SECTION 1. The city of Worcester is hereby authorized to hold the donations of Doctor John Green and of the Worces- Donations.

Government.	ter Lyceum and Library Association, and to provide for the establishment and support of a Free Public Library, to be regulated and governed according to the provisions of the city ordinance passed on the twenty-third day of December, in the year one thousand eight hundred and fifty-nine, entitled "An ordinance for the establishment of the Free Public Library of the city of Worcester."
City council to make appropriation.	SECTION 2. The city council of said city are authorized to make all necessary appropriations for the erection of a suitable library building, and for the care and preservation of the library, and for the employment of the officers to be appointed in pursuance of said ordinance. They may further appropriate for the establishment of said library, in the year one thousand eight hundred and sixty, a sum not exceeding five thousand dollars, and thereafter such further sums as they see fit, not exceeding three thousand dollars in each year, for the increase of the same.
Amounts.	SECTION 3. This act shall take effect from and after its acceptance by the city council of said city.

Approved February 2, 1860.

Chap. 15.

AN ACT TO INCORPORATE THE NICKERSONS' WHARF COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. Edward G. Nickerson, Sereno D. Nickerson, and Thomas W. Nickerson, their associates and successors, are hereby made a corporation, by the name of the Nickersons' Wharf Company; with power to purchase and hold in fee simple, any part or the whole of the estate on New Street, in East Boston, and known as Nickerson's Wharves, with all the privileges and appurtenances to the same belonging; and the said corporation may construct docks and wharves upon said premises, lay vessels within and at the sides and ends thereof, and receive dockage and wharfage therefor, and improve and manage said property consistently with the purposes of this act, and may sell and convey the same or any part thereof: <i>provided</i> , that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.
Name.	
Location, power to purchase, &c.	
Proviso.	
Capital.	SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, divided into shares of not less than one hundred dollars each.
Powers, restrictions, &c.	SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the

General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine: *provided, however*, that the grantees above named shall first pay to the treasurer of the Commonwealth such sums of money as the governor and council shall determine as payment for any flats and rights in tide water belonging to the Commonwealth, if any, taken or filled up under the provisions of this act; and *provided, further*, that said wharf shall not extend beyond the commissioners' line.

Payment for flats
and rights.
Proviso.

Approved February 3, 1860.

AN ACT TO INCORPORATE THE ARKWRIGHT MUTUAL FIRE INSURANCE COMPANY.

Chap. 16.

Be it enacted, &c., as follows:

SECTION 1. Francis Skinner, Charles Amory, Waldo Higginson, their associates and successors, are hereby made a corporation, by the name of the Arkwright Mutual Fire Insurance Company, in the city of Boston, for the purpose of insuring manufactories and other buildings appertaining thereto and connected therewith, and their contents, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine, and all other laws relative to mutual fire insurance companies.

Corporators.

Name.

Purpose.

Powers, restric-
tions, &c.

SECTION 2. It shall be lawful for the deposit notes given for insurance in this company, to be as much as five times the amount paid as cash premium.

Amount of
deposit notes.

SECTION 3. This company is hereby authorized to insure property situated in the states of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania.

Location of
insured property.

Approved February 8, 1860.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CLIFTONDALE RAILROAD COMPANY.

Chap. 17.

Be it enacted, &c., as follows:

SECTION 1. The Cliftondale Railroad Company are hereby authorized to construct their railroad on some convenient route, from such point on the highway in Malden, known as the Newburyport Turnpike, between Salem Street and the line dividing the towns of Malden and Melrose, as may be determined by the selectmen of Malden, upon and over such land, outside of the streets and highways, as said company may determine, to such point in the highway called Washington Street, in that part of Saugus known as Cliftondale;

Location and
construction.

Right to purchase land, &c.	or to such point in any street or highway which may be laid out, connecting with the aforesaid Washington Street, near the house of John T. Paine, as may be determined by the selectmen of Saugus; and said company shall have all the rights and powers of railroad corporations, under existing provisions of law, to purchase or otherwise take any land necessary for making their railroad outside of the streets
Land damages.	and highways, and shall be subject to all existing provisions of law applicable to railroad corporations, for the assessment and payment of damages for land so taken.
Time limited.	SECTION 2. This act shall be void so far as relates to the right to construct said road unless the same shall be constructed on or before the first day of November, in the year eighteen hundred and sixty.
Act to be accepted.	SECTION 3. This act shall take effect on and after the acceptance thereof by said corporation, at any time within thirty days after its passage. <i>Approved February 8, 1860.</i>

Chap. 18. AN ACT TO INCORPORATE THE NORTH ATTLEBOROUGH BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. E. Ira Richards, William D. Whiting, Josiah D. Richards, and Stephen Richardson, 2d., their associates and successors, are hereby made a corporation by the name
Name.	of the North Attleborough Branch Railroad Company; with
Powers, restrictions, &c.	all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine, and in that part of the sixty-third chapter thereof relating to railroad corporations, and all other general laws which have been or may hereafter be passed relative to railroad corporations.
Location.	SECTION 2. Said company is hereby empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the village of North Attleborough to the state line near Valley Falls, in the state of
Connection with other roads.	Rhode Island; and said corporation may, at said state line, connect their road with the railroad of any company which may be established by the state of Rhode Island.
Capital.	SECTION 3. The capital stock of said company shall not
Par value.	exceed one hundred thousand dollars, and it shall be divided into shares of one hundred dollars each; and such company
Real estate, &c.	may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.
Time limited.	SECTION 4. If the location of said road be not filed within two years, and said railroad constructed within three

years from the passage of this act, then the same shall be void.

SECTION 5. The said company are hereby authorized and empowered to contract with the Providence and Worcester Railroad Company, for the equipping and running of said road.

May contract
with Providence
and Worcester
Railroad Co.

SECTION 6. This act shall take effect from and after its passage.

Approved February 8, 1860.

AN ACT TO INCORPORATE THE STONEHAM STREET RAILROAD COMPANY.

Be it enacted, &c., as follows :

Chap. 19.

SECTION 1. John Hill, Lyman Dike, Augustus Barrett, their associates and successors, are hereby made a corporation, by the name of the Stoneham Street Railroad Company ; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the town of Stoneham as shall be fixed by the selectmen of the said town, with the assent in writing of said corporation, filed with said selectmen, and upon and over such of the streets and highways of said town as shall be from time to time fixed and determined by said selectmen, with the assent in writing of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the town of Melrose ; and then upon and over such of the streets and highways of the town of Melrose, as shall be from time to time fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with the selectmen of said town, and also over and upon such other land in said towns as said corporation may elect to build their road or roads upon and over. Said railroad track or tracks shall be laid at such distance from the sidewalks in said towns, as the selectmen of said towns, shall respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

Corporators.

Name.

Powers.

Location

SECTION 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in either of said towns of Stoneham and Melrose, the selectmen of said towns, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks ; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

Selectmen to give
notice, &c.

Construction.

SECTION 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns respectively, shall, by their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, the sole expense of such alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town within which it is proposed to be made, shall first be obtained.

Horse-power only
to be used.
Regulations.

SECTION 4. Said tracks or road shall be operated and used with horse-power only; and the selectmen of said towns shall have power at all times to make all such regulations as to the rate of speed, and mode of use of the tracks, as the public convenience and safety may require, within the limits of their respective corporations.

Capital and
shares.

SECTION 5. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 6. Said corporation shall have power to purchase and hold such real estate within said towns of Stoneham and Melrose, or either of them, as may be convenient or necessary for the purposes and management of said railroad.

Powers of select-
men.

SECTION 7. Nothing in this act shall be construed to prevent the selectmen of either of said towns from entering upon and taking up any of the public streets or bridges traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Repairs of
streets, &c.Liability for loss,
&c.

SECTION 8. Said corporation shall keep and maintain in repair such portions of the streets and bridges, respectively, as shall be occupied by their tracks, or injured thereby, and shall be liable for all loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents and servants, in the management, construction, or use of said tracks, roads, or bridges; and in case any recovery shall be had against either of said towns, by reason of any defect or want of repair in the streets or bridges, caused by the corporation or its servants, said corporation shall be liable to pay such towns, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such suit or suits, in which recovery may be had; and said corporation shall not use any portion of the streets or bridges not occupied by said road or tracks.

SECTION 9. If any person shall wilfully and maliciously obstruct said corporation or their agents in the use of said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. And if said corporation or its agents or servants, shall wilfully and maliciously obstruct any highway, or passing of any carriage over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Punishment for wilful obstruction, &c.

SECTION 10. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Rates of fare.

Powers, restrictions, &c.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the selectmen of said towns, respectively, may, by a vote of the major part thereof, determine as to so much of said track as is located within their respective limits, that the same or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed in conformity with such vote or order of said selectmen; and such taking up and removal shall be at the expense of said railroad corporation.

Tracks may be discontinued and the location revoked.

Expenses of removal.

SECTION 12. The towns of Stoneham and Melrose, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively,

Rights of towns to purchase road and property.

and paying therefor a proportionate sum on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Character and liabilities of corporation.

SECTION 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to all existing provisions of law for the taking of land and the assessment and payment of damages for land outside of the streets, taken by them for their tracks, and also to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed, relative to horse or street railroads.

Acceptance of act.

SECTION 14. This act shall be void so far as relates to the right to construct said road in either of said towns, unless the same shall be accepted by the selectmen of said towns, respectively, and by said corporation, and unless said railroad shall be constructed from the post office in the town of Stoneham to the station of the Boston and Maine Railroad in the town of Melrose, within one year from the passage of this act.

Conditions, &c.

SECTION 15. This act shall take effect from and after its passage.

Approved February 8, 1860.

Chap. 20. AN ACT EXTENDING THE TIME FOR THE CONSTRUCTION OF THE FITCHBURG AND WORCESTER RAILROAD.

Be it enacted, &c., as follows :

Time extended three years.

The time granted in chapter four hundred and eighty-three, of the laws of the year eighteen hundred and fifty-five, to the Fitchburg and Worcester Railroad Company, to construct the extension of its railroad, is hereby extended three years.

Approved February 8, 1860.

Chap. 21. AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES AND THE HOSPITAL AT RAINSFORD ISLAND.

Be it enacted, &c., as follows :

To meet current expenses for quarter ending March 31,—

SECTION 1. The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purpose of meeting the current expenses of the institutions hereinafter named, for the quarter ending March thirty-first, in the year one thousand eight hundred and sixty, to wit :

Tewksbury.

For the state almshouse at Tewksbury, a sum not exceeding nine thousand dollars.

Monson.

For the state almshouse at Monson, a sum not exceeding eight thousand dollars.

Bridgewater.

For the state almshouse at Bridgewater, a sum not exceeding eight thousand dollars.

For the hospital at Rainsford Island, a sum not exceeding Rainsford Island.
five thousand dollars.

SECTION 2. This act shall take effect from and after its passage.

Approved February 8, 1860.

AN ACT AUTHORIZING AN INCREASE OF THE CAPITAL STOCK OF THE Chap. 22.
CHELSEA GAS LIGHT COMPANY.

Be it enacted, &c., as follows :

SECTION 1. The Chelsea Gas Light Company are hereby Increase of
\$50,000.
authorized to increase their capital stock, by adding thereto
fifty thousand dollars, and to invest such portion thereof in
real or personal estate, as may be necessary and convenient
for carrying on the business for which said company was
incorporated.

SECTION 2. This act shall take effect from and after its passage.

Approved February 8, 1860.

AN ACT TO SET OFF A PART OF THE TOWN OF NORTHFIELD AND Chap. 23.
ANNEX THE SAME TO THE TOWN OF ERVING.

Be it enacted, &c., as follows :

SECTION 1. That portion of the town of Northfield, Hack's Grant
annexed to
Erving.
known as Hack's Grant, consisting of about one hundred
and eighty-one acres of land, entirely detached from the
residue of said town of Northfield, and bounded on all sides
by the town of Erving, with all the inhabitants and estates
thereon, is hereby set off from the town of Northfield, and
annexed to the town of Erving.

SECTION 2. The said inhabitants and estates so set off, Taxes, how set-
tled and ad-
justed.
shall be liable to pay all taxes that have been legally assessed
upon them by the town of Northfield ; and until the next
general valuation of estates in this Commonwealth, the town
of Erving shall annually pay to the town of Northfield the
proportion of any state or county tax which the said town
of Northfield may have to pay upon the inhabitants or estates
hereby set off.

SECTION 3. If any persons who have heretofore gained a Paupers.
legal settlement in the town of Northfield by reason of
a residence on the territory set off as aforesaid, or by
having been proprietors of any part thereof, or who may
derive such settlement from any such resident or proprietor,
shall stand in need of relief or support as paupers, they
shall be relieved or supported by the said town of Erving,
in the same manner as if they had gained a legal settlement
in said town of Erving.

SECTION 4. This act shall take effect from its passage.

Approved February 10, 1860.

Chap. 24.

AN ACT TO INCORPORATE THE TOWN OF ACUSHNET.

Be it enacted, &c., as follows:

Boundaries established.

SECTION 1. All that part of the town of Fairhaven which lies northerly of the following described lines, viz., beginning at a stone monument at "Tripp's Corner," in the division lines between the towns of Fairhaven and Mattapoisett, thence from said stone monument in a south-west westerly direction, in a straight line, to the south-east corner of the "Royal Hathaway farm," so called, thence in the south line of said farm, to the south-west corner bound thereof, thence continuing westerly in the same direction to the centre of the channel of the Acushnet River, or division line between the town of Fairhaven and the city of New Bedford, is hereby incorporated into a separate town, by the name of Acushnet; and the said town of Acushnet is hereby vested with all the powers and privileges, rights and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Apportionment of taxes.

SECTION 2. The inhabitants of said town of Acushnet shall be holden to pay to the collector of the town of Fairhaven all arrearages of taxes legally assessed upon them before this act takes effect; and also their proportion of such state and county taxes as may be assessed upon them before the taking of the next state valuation, said proportion to be ascertained and determined by the last valuation of the said town of Fairhaven; and said town of Acushnet shall be holden to pay four twenty-thirds of the debts due and owing from the town of Fairhaven at the time of the passage of this act, and be entitled to receive four twenty-thirds of all the real and personal property and assets owned by or due to the said town of Fairhaven; and shall be liable to refund to said town of Fairhaven four twenty-thirds of the "surplus revenue," when the same is called for, according to the provisions of law.

Debts.

Town property and surplus revenue.

Paupers.

SECTION 3. The said towns of Fairhaven and Acushnet shall be respectively liable for the support of all persons who now do and who may hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Certain property to be held by the two towns respectively.

SECTION 4. The towns of Fairhaven and Acushnet shall hold the following described property, situate in their respective limits, as valued by their committee appointed June twenty-fifth, in the year eighteen hundred and fifty-nine, "for the purpose of presenting information to the legislature to enable them to make a just and equitable appor-

tionment of the public property, debts and burdens, between the towns," viz.: the town of Fairhaven shall exclusively hold the almshouse, farm, and property appertaining thereto; the high school-house, lot and fixtures, the engine-house and lot in Oxford Village, and the engine and fixtures contained therein; the engine-house and lot in the village of Fairhaven, and the engine and fixtures therein; two second hand engines now in the village; the town-house lot; the watch-house and lot; L. S. Aiken's gravel lot; one safe in the town clerk's office; and so much of other property as will make nineteen twenty-thirds of the public property as valued by said committee. The town of Acushnet shall exclusively hold the engine-house and lot, together with the engine and fixtures in Acushnet Village; the school-house and lot in school district number eighteen; two town pounds; the "Freeman Hathaway lot;" the "Samuel Stacy lot," and so much of other property as will make four twenty-thirds of the public property as valued by said committee. All other property which may hereafter be found to belong to the town of Fairhaven, and not specified by the said committee at the time of the passage of this act, shall be divided on the same basis, viz.: nineteen twenty-thirds to the town of Fairhaven, and four twenty-thirds to the town of Acushnet.

SECTION 5. The town of Acushnet shall remain a part of the same districts, representative, senatorial, councillor and congressional, as the town of Fairhaven, until said districts are altered by due authority of law.

SECTION 6. Any justice of the peace in and for the county of Bristol, is hereby authorized to issue his warrant to any principal inhabitant of the town of Acushnet, requiring him to warn the legal voters of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper published in the city of New Bedford, and by posting up copies thereof (all attested by the person to whom the same is directed) in four public places in said town, seven days at least before the time of meeting. The selectmen of Fairhaven shall, before said meeting, prepare a list of voters in said town of Acushnet, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting, before the choice of moderator thereof.

SECTION 7. This act shall take effect from and after its passage.

Approved February 13, 1860.

Districts, senatorial, representative, &c.

Town meeting, how called.

List of voters,

Chap. 25. AN ACT TO REDUCE THE CAPITAL STOCK OF THE BAY STATE BANK.
Be it enacted, &c., as follows :

Capital reduced. SECTION 1. From and after the first day of April next, the president, directors and company of the Bay State Bank, in Lawrence, are hereby authorized to reduce their capital stock to the sum of three hundred and seventy-five thousand dollars : *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until a commissioner, to be appointed by the governor and council, for that purpose, at the expense of such corporation, shall have certified, in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after payment thereof, and the repayment to its stockholders of the amount hereby authorized to be deducted from its present capital stock, the net sum of three hundred and seventy-five thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Mode of reduction. SECTION 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares, in the same, from one hundred dollars to seventy-five dollars, and refunding to the holders the difference, according to a vote of the stockholders thereof, passed at a special meeting held October twentieth, in the year one thousand eight hundred and fifty-nine.

Tax. SECTION 3. From and after the first day of April next, previous to which time the commissioner herein provided for shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by said reduced capital stock of three hundred and seventy-five thousand dollars ; and until the said first day of April next, and until the said certificate shall have been made and delivered, as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital of said bank ; and nothing contained in this act shall be construed to affect the liability of said corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

Liabilities. SECTION 4. This act shall take effect from and after its passage.

Approved February 15, 1860.

AN ACT TO INCORPORATE THE TRI-MOUNTAIN MUTUAL FIRE INSURANCE COMPANY.

Chap. 26.

Be it enacted, &c., as follows :

Timothy H. Smith, David N. Holmes, Owen Lappen, their associates and successors, are hereby made a corporation by the name of the Tri-Mountain Mutual Fire Insurance Company, to be established in the city of Boston, for the purposes of effecting mutual insurance upon dwelling-houses, other buildings, and personal property, against loss or damage by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and to all other laws applicable to mutual fire insurance companies.

Corporators.

Name.

Location.

Purposes.

Powers, restrictions, &c.

Approved February 16, 1860.

AN ACT TO INCORPORATE THE KENOZA LAKE CLUB.

Chap. 27.

Be it enacted, &c., as follows :

SECTION 1. James H. Carlton, Samuel White, Eleazer A. Porter, their associates and successors, are hereby made a corporation by the name of the Kenoza Lake Club, for the purpose of securing, embellishing, and perpetuating a pleasure ground in the town of Haverhill, on the shore of Kenoza Lake.

Corporators.

Name.

Purpose.

Location.

SECTION 2. Said corporation may hold real and personal estate for the aforesaid purposes, to an amount not exceeding fifteen thousand dollars.

Property, real and personal.

Approved February 20, 1860.

AN ACT TO INCORPORATE THE UNION GAS LIGHT COMPANY IN ATTLEBOROUGH.

Chap. 28.

Be it enacted, &c., as follows :

SECTION 1. Joseph W. Capron, Willard Blackington, Capron Peck, Albert M. Everett, and Homer M. Daggett, their associates and successors, are hereby made a corporation by the name of the Union Gas Light Company, in Attleborough, for the purpose of manufacturing and selling gas in the town of Attleborough ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and of all other acts passed relating thereto.

Corporators.

Name.

Purpose.

Location.

Powers, restrictions, &c.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars ; and the whole capital stock shall not exceed twenty-five thousand dollars.

Real estate.

Capital stock.

Power to sink
pipes, how
granted.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Attleborough, shall have power and authority to open the ground in any of the streets, lanes and highways in the second parish in said town, for the purpose of sinking or repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the aforesaid corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

SECTION 4. This act shall take effect from its passage.

Approved February 20, 1860.

Repairs of high-
ways, &c.

Proviso.

Chap. 29.

AN ACT TO INCORPORATE THE UNION MILL COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name.

Purpose.

Location.

Powers, restric-
tions, &c.

SECTION 1. David Anthony, S. Angier Chase, Hale Remington, their associates and successors, are hereby made a corporation by the name of the Union Mill Company, for the purpose of manufacturing cotton goods in the city of Fall River, in the county of Bristol; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the several acts in addition thereto relating to manufacturing corporations.

Real estate.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars.

Capital.

SECTION 3. This act shall take effect from and after its passage.

Approved February 20, 1860.

Chap. 30.

AN ACT TO INCORPORATE THE BOSTON AND GLOUCESTER STEAM-BOAT COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name.

Purpose.

Capital.

SECTION 1. Gorham P. Low, George F. Wonson, and William F. Davis, their associates and successors, are hereby made a corporation, under the name of the Boston and Gloucester Steam-boat Company, for the purpose of running one or more steam-boats between Boston and Gloucester, and intervening places, with a capital of seventy-five thousand dollars; and for this purpose shall have all the powers and

privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

SECTION 2. The capital stock of this company shall be divided into shares of fifty dollars each.

Approved February 20, 1860.

AN ACT TO CONTINUE A FERRY IN GLOUCESTER HARBOR.

Be it enacted, &c., as follows:

Authority is hereby granted to Israel C. Gill, of Gloucester, in the county of Essex, to his associates and successors, to continue the ferry in Gloucester Harbor, between the village of Gloucester and Eastern Point, in said town, for the term of ten years; with all the privileges and immunities, and subject to all the liabilities and restrictions provided by the act establishing the aforesaid ferry, entitled "An Act establishing a Ferry at Gloucester Harbor," chapter one hundred and fifty-one of the acts of the year one thousand eight hundred and fifty.

Approved February 20, 1860.

Chap. 31.

Ferry continued.

Time.

Powers, restrictions, &c.

AN ACT TO INCORPORATE THE ROCKPORT RAILROAD COMPANY.

Be it enacted, &c., as follows:

SECTION 1. Henry Dennis, James Manning, Eben Blatchford, Levi Sewell, George D. Hale, and William Haskins, their associates and successors, are hereby made a corporation by the name of the Rockport Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year one thousand eight hundred and fifty-nine, and in that part of the sixty-third chapter thereof, relating to railroad corporations, and in all other general laws, which shall hereafter be enacted relative to railroad corporations.

SECTION 2. The said corporation is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Rockport, to some convenient point on the Gloucester Branch Railroad, in the town of Gloucester, and to enter with their railroad, by proper turnouts and switches, upon the Gloucester Branch Railroad at the point of intersection, and to use the same, or any part thereof, according to law.

SECTION 3. The capital stock of said corporation shall not exceed two thousand shares, the number of which shall be determined from time to time by the directors of said

Chap. 32.

Corporators.

Name.

Powers, restrictions, &c.

Location, &c.

Capital.

Shares. corporation; and no assessments shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and the said corporation may take, purchase and hold such real estate as may be necessary for the purposes of their incorporation.

Real estate. SECTION 4. If the location of this road be not filed within two years, and if the said railroad be not constructed within three years from the passage of this act, then this act shall be void.

Time of location, &c. SECTION 5. Said corporation are hereby authorized to sell and transfer their franchise, and all their rights under this act, or to lease their road and other property, either for a limited time or perpetually, to the Eastern Railroad Company, or to any other corporation, person or persons, on such terms as shall be mutually agreed upon.

Sale or lease of road authorized. SECTION 6. This act shall take effect from its passage.

Approved February 20, 1860.

Chap. 33. AN ACT TO INCORPORATE THE HAVERHILL LIBRARY ASSOCIATION
Be it enacted, &c., as follows:

Corporators. SECTION 1. Joseph A. Shores, Warren Johnson, Rufus H. Tilton, Bradstreet P. Woodman, their associates and successors, are hereby made a corporation by the name of the Haverhill Library Association, to be established in the town of Haverhill, in the county of Essex, for the purpose of maintaining a library and reading-room, and promoting public instruction by lectures, or otherwise; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the General Statutes.

Name. SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole the sum of thirty thousand dollars, the income of which shall be devoted to the aforesaid purposes.

Location. SECTION 3. Chapter twenty-five of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act to incorporate the Haverhill Atheneum," and also chapter seventy-nine of the acts of the year one thousand eight hundred and fifty-six, entitled "An Act to incorporate the Haverhill Mechanics' Institute," are hereby repealed.

Purpose. *Approved February 20, 1860.*

Chap. 34. AN ACT TO AUTHORIZE THE TOWN OF ROCKPORT TO TAKE STOCK
IN THE ROCKPORT RAILROAD COMPANY.

Be it enacted, &c., as follows:

Amount authorized. SECTION 1. The town of Rockport, in the county of Essex, is hereby authorized to subscribe for and hold shares

in the capital stock of the Rockport Railroad Company, to the amount of fifty thousand dollars: *provided*, the inhabitants of said town, at a legal town meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Proviso.

Two-thirds vote of inhabitants required.

Other conditions

SECTION 2. The said town of Rockport is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

Loan or tax authorized.

SECTION 3. This act shall take effect from its passage.

Approved February 24, 1860.

AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING RAILROAD COMPANY.

Chap. 35.

Be it enacted, &c., as follows :

SECTION 1. Samuel Rice, Jeremiah Martin, Samuel O. Dearborn, William Bogle, Henry A. Norris, and Loring L. Fuller, their associates and successors, are hereby made a corporation by the name of the Melrose and South Reading Railroad Company; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points of intersection in Malden, in the county of Middlesex, with the railroad of the Malden and Melrose Railroad Company—such point or points of intersection to be fixed by the selectmen of said town of Malden, with the assent of said corporation in writing expressed, and filed with said selectmen—and upon and over such of the streets and highways of said town, as shall be from time to time fixed and determined by said selectmen, with the written assent of said corporation filed as aforesaid; thence upon and over such of the streets and highways of the town of Melrose to the south boundary of the town of South Reading, as shall be from time to time fixed and determined by the selectmen of said town of Melrose, with the written assent of said corporation, filed as aforesaid; thence over and upon such of the streets and highways of said town of South Reading as shall be, from time to time, fixed and determined by the selectmen of said town of South Reading, with the written assent of said corporation filed as aforesaid: and all tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said

Corporators.

Location.

Powers of selectmen.

Rate of fare.	towns shall respectively, in their orders fixing the route of said railroad, determine. And said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient, at a rate not exceeding five cents per mile for each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine. Notice to abutters on streets and highways, in which it may be proposed to lay the tracks of said corporation, shall be given by the publication in such newspapers as the selectmen of said towns shall determine, fourteen days at least before the location of any such tracks, and also by posting in three public places in each of the towns of Malden, Melrose, and South Reading, notice of said proposed location, fourteen days, at least, before the same shall be made.
Powers, duties, &c.	
Notice to abutters.	
Power to use other roads or tracks.	SECTION 2. The corporation hereby created may enter upon and use the tracks of the Malden and Melrose, and Middlesex Railroad Companies, in such mode, and upon such rates of compensation, as may be agreed upon; or in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court: <i>provided</i> , that said corporation shall not interfere with the legitimate business of said Malden and Melrose, and Middlesex Railroad Companies
Proviso.	
Motive power.	SECTION 3. Said tracks, or roads, shall be operated and used by said corporation, with horse-power only. The selectmen of said towns shall have power at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.
Regulation of speed, &c.	
Repairs of highways.	SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury, that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction, or use of said roads, tracks or highways; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay such towns respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery
Damages.	
Liability.	

may be had ; and said corporation shall not use any portion of the streets or highways, not occupied by said road or tracks.

Restriction.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstructions punishable.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Obstruction of highways punishable.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each.

Capital.

Shares.

SECTION 8. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes and management of said road.

Real estate.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns, respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct ; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation : *provided*, the same shall be assented to by the selectmen of the town within which such alteration is to be made.

Selectmen to direct construction, &c., of road.

Proviso.

SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns, from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Control of highways by selectmen.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road, in which the same shall be located, as provided by its charter, the selectmen of said towns, respectively, may determine as to so much of said tracks, as is located within their respective limits, that the same, or any part thereof, be discontinued ; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conform-

Discontinuance of road in certain cases.

ity with the order of said selectmen ; and such taking up and removal shall be at the expense of said railroad corporation.

Towns may purchase road.

SECTION 12. The towns of Malden, Melrose, and South Reading, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation, all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon ; said towns having the right to purchase only that part of the corporate property, which relates to and lies within the limits of their own jurisdictions respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Conditions.

Act to be accepted.

SECTION 13. This act shall be void, so far as relates to the right to construct said road, in either of said towns, unless the same shall be accepted by the selectmen of such towns respectively, and unless the same shall be accepted by said corporation, and unless said road shall be constructed on or before the first day of November, in the year eighteen hundred and sixty-one.

Time of construction limited.

Annual returns.

SECTION 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are, or may be, prescribed by law ; and also so far, as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for their tracks ; and to all general provisions of law that are, or may be prescribed, relative to horse or street railroads.

Liabilities, &c.

SECTION 15. This act shall take effect from its passage.

Approved February 24, 1860.

Chap. 36. AN ACT TO INCORPORATE THE CITIZENS' GAS LIGHT COMPANY, OF QUINCY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Daniel P. Nye, F. M. Johnson, Eleazer Fredericks, their associates and successors, are hereby made a corporation by the name of the Citizens' Gas Light Com-

Title.

pany, of Quincy, for the purpose of manufacturing and selling gas in the town of Quincy ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in all other acts passed relating thereto.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Quincy, shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking or repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Approved February 24, 1860.

AN ACT TO INCORPORATE THE CAPE ANN MUTUAL FISHING INSURANCE COMPANY. Chap. 37.

Be it enacted, &c., as follows :

Joseph O. Procter, George F. Wonson, Fitz E. Riggs, their associates and successors, are hereby made a corporation by the name of the Cape Ann Mutual Fishing Insurance Company, to be established in the town of Gloucester, for the purpose of making insurance against maritime losses on fishing vessels and their outfits, on the principle of a mutual insurance company ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine, and all other laws applicable to insurance companies.

Approved February 24, 1860.

AN ACT TO INCORPORATE THE NEW LONDON NORTHERN RAILROAD COMPANY. Chap. 38.

Be it enacted, &c., as follows :

SECTION 1. Thomas W. Williams, Robert Coit, Francis Allyn, William G. Johnson, and others, holders of seven per

Purpose.

Powers, duties, &c.

Real estate.

Capital.

Power to open streets, &c., to sink pipes.

Highways to be put in repair.

Penalty.

Proviso.

Powers of selectmen.

Corporators.

Title.

Location.

Purpose.

Plan.

Powers, duties, &c.

Corporators.

Title.

Powers, duties, &c.	cent. first mortgage bonds of the New London, Willimantic and Palmer Railroad Corporation and the holders of the coupons thereto belonging, their associates and successors, are hereby made a corporation by the name of the New London Northern Railroad Company, and are authorized to acquire and hold all the rights, powers, privileges, immunities and franchises, heretofore granted to or conferred upon said New London, Willimantic and Palmer Railroad Corporation, subject to all the duties, restrictions and liabilities, to which they are subject by the laws of this Commonwealth.
Capital.	SECTION 2. The capital stock of the company shall be three hundred thousand dollars, and shall be divided into
Shares.	shares of one hundred dollars each, which shares shall be deemed personal property, and be transferred in such manner
How transferred, &c.	and at such places as the by-laws of the said company direct.
Public notice by incorporators.	SECTION 3. The persons named in the first section hereof, or a majority of them, shall, first giving public notice of the time and place, open books for subscriptions to the capital
Subscription of bondholders, &c.	stock of the company, and shall, under such regulations as they or a majority of them may adopt for the purpose, receive the subscriptions of holders of said bonds, and also of coupons thereto belonging, which shall be past due, and unpaid at the time said books shall be so opened for subscriptions, one share for each one hundred dollars payable in said bonds and coupons only.
Bondholders authorized to take stock.	SECTION 4. All persons holding such bonds, or coupons thereto belonging, in any fiduciary or representative capacity, or by way of pledge or mortgage, are hereby as fully authorized to subscribe for and accept the stock of the company, in exchange for such bonds or coupons as though they held the same absolutely in their own right, and shall hold the stock which they shall receive upon the same trusts and in the same manner as the bonds or coupons which they held originally.
Conditions, &c.	
Public notice of first meeting.	SECTION 5. When stock shall have been subscribed to the amount of twenty thousand dollars, in first mortgage bonds, public notice of the time and place of holding the first meeting of the stockholders may be given for the purpose of organizing the company and choosing a board of directors, not to exceed nine in number; and each stockholder present at such meeting, either in person or by proxy, shall be entitled to one vote for each share so held by him.
Organization.	
Votes and proxies.	
Appraisers to be appointed in certain cases.	SECTION 6. In case any holder of such bonds, or past due unpaid coupons thereto belonging, neglects or refuses to subscribe to the capital stock of the company, to the full

amount of bonds and coupons so held, for the period of sixty days after said corporation shall have been organized in manner authorized by the fifth section of this act, and said company cannot agree with such holder of bonds or coupons as to the amount to be paid for the interest so held in the property and franchises of the said New London, Willimantic and Palmer Railroad Corporation, it shall be the duty of the corporation hereby created, to apply to a judge of the superior court for the appointment of appraisers, and to cause such notice of the pendency of the application to be given to the trustees for the said seven per cent. bonds, and to the parties neglecting and refusing to subscribe, as such judge may order; and thereupon said judge shall appoint three disinterested and judicious freeholders to estimate and appraise the entire property and franchise of the New London, Willimantic and Palmer Railroad Corporation, conveyed by said company in trust for the security of said bonds, having reference as well to its value for railroad purposes under the charter of said New London, Willimantic and Palmer Railroad Corporation and the trust deeds given by said corporation for the security of said bonds, as to its intrinsic value, and to make return thereof to said trustees, and to the office of the secretary the Commonwealth; and thereupon every person so having neglected and refused to subscribe to the capital stock of the company, shall be at liberty at any time within thirty days after such appraisal and return shall be made, to subscribe to the capital stock of the company on the same terms as the parties who have previously subscribed, or to demand of the company payment in money, of such proportion of said appraised value, as the amount of bonds or coupons held by such person, and not subscribed as aforesaid, bears to the whole amount of bonds and the coupons thereto belonging and past due at the time said books were opened for subscriptions as before provided, which sum of money said company is hereby required to pay on demand. And in case any person or party shall neglect or refuse for the period aforesaid to subscribe to the stock to the full amount of such bonds or coupons held, or make demand of said company for the proportion of money which shall be due and payable, said company shall, within thirty days, deposit with the trustees for the time being, for said seven per cent. bonds, such proportion of the estimated value aforesaid as the amount of bonds and coupons so not subscribed bears to the whole amount of said seven per cent. bonds and coupons thereto belonging and past due and unpaid at the time said books were opened for subscription

Duties of appraisers.

Appraisers to make returns.

Rights of bondholders.

Company to deposit amount of unclaimed bonds with trustees.

as before provided, to the use of the party or parties so having neglected and refused to subscribe, and to be paid to them by the said trustees on demand, on the surrender of their bond or bonds, or coupons, in the proportion to which they may be entitled as before provided; and thereupon the interest of the party having so neglected and refused to subscribe to the capital stock, shall forever belong to said corporation and its assigns, for the uses and purposes for which the same is incorporated.

Further sub-
scriptions to
stock authorized.

Amount.

Proviso.

SECTION 7. After said corporation shall have been organized, further subscriptions may be received to the capital stock, payable in cash, or bonds and coupons as aforesaid, to an amount which, with the amount previously subscribed, shall not exceed said sum of three hundred thousand dollars: *provided*, that no cash subscription shall be received to the exclusion of a subscription by a holder of bonds or of coupons past due and unpaid at the time books shall have been first opened as aforesaid.

Of foreclosure
and possession.

SECTION 8. Whenever, and as soon as the interest of the New London, Willimantic and Palmer Railroad Corporation, and of the subsequent mortgages, in the property, right, and franchises conveyed by said corporation, in trust for the special security of said seven per cent. bonds, shall be extinguished by decree of foreclosure and lapse of time limited therefor, or otherwise, the corporation organized under the authority hereby granted, may take possession of all the property and franchises conveyed by said New London, Willimantic and Palmer Railroad Corporation in this Commonwealth, in trust, by first mortgage, for the security of said bonds, and exercise all rights and powers, and enjoy all the privileges and immunities conferred upon such organization by the first section of this act.

Condition, upon
which duties and
liabilities of trust-
ees shall cease.

SECTION 9. When said corporation shall have been organized as herein provided, and the whole amount of said bonds and coupons shall have been subscribed by the holders to the capital stock, or the property and franchises of the New London, Willimantic and Palmer Railroad Corporation shall have been appraised in pursuance of this grant, and the amount of money which the parties neglecting and refusing to subscribe are entitled to, shall have been deposited with the trustees for their use, as herein required, and the interest of said New London, Willimantic and Palmer Railroad Corporation and the subsequent mortgagees, shall have become extinguished, as also herein provided, it shall be lawful for, and the duty of said trustees to deliver the possession to the company hereby incorporated, of all the

property, rights and franchises held by them in trust; and thereupon said trustees shall pay to the holders of said bonds and coupons, all moneys in their hands in the proportion to which they may be entitled by the terms of the deed of trust and the provisions of their charter; and thereupon their duties and liabilities as trustees shall cease.

SECTION 10. The trustees under the mortgage covering that portion of the railroad of the New London, Willimantic and Palmer Railroad Corporation, which is in this Commonwealth, are hereby authorized to apply to the superior court of the county of Hampden, by petition, for a foreclosure of said mortgage; and such petition may be filed either in term time or vacation; and upon the filing of the same, either of the judges of said court, either in term time or vacation, may issue an order of notice upon said petition, to be served upon the secretary or clerk of said last named corporation, or some director thereof, and also upon the trustees of the subsequent mortgagees, and also upon the city of New London, at least fourteen days before the session of the court to which the same is returnable, and to be published for three weeks successively in some newspaper in said county of Hampden; the last publication to be at least fourteen days before such order of notice is returnable; and if it shall then be made to appear to the satisfaction of said court that the principal of said bonds, or the interest thereon for more than two years, has become due and remained unpaid, the said court thereupon may enter a decree of foreclosure, limiting and defining some reasonable time, not less than three months, within which said mortgage shall be forever foreclosed, unless said New London, Willimantic and Palmer Railroad Corporation or their assigns, or the subsequent mortgagees, shall, before the expiration thereof, duly pay the principal and interest then due; in default of which payment, said decree of foreclosure shall become effective, and forever debar the subsequent mortgagees and stockholders from redemption.

Superior court to enter decree of foreclosure.

Conditions, &c.

SECTION 11. The New London Northern Railroad Company established by the legislature of the state of Connecticut, may, by vote duly passed at a legal meeting, and with the consent of the corporation hereby established, become stockholders of said last named corporation; and thereupon the two corporations established in Connecticut and Massachusetts, under the name of the New London Northern Railroad Company, shall become united into one corporation under such common name, with a capital not exceeding the amount of the joint capital of both corporations; and all

Consolidation with Connecticut section of road authorized.

Conditions.

Capital.

Rights, property, &c. the tolls, franchises, rights, powers, privileges and property, granted or to be granted or acquired under the authority of the state of Connecticut, or of this Commonwealth, shall be held and enjoyed by all the said stockholders in proportion to their number of shares in either or both of said companies.

Power of repeal, &c. SECTION 12. This act may be altered, amended or repealed, at the pleasure of the legislature of the Commonwealth of Massachusetts.

SECTION 13. This act shall take effect from its passage.

Approved February 24, 1860.

Chap. 39.

AN ACT TO INCORPORATE THE NAHANT HOUSE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Henry Newhall, H. F. Newhall, their associates and successors, are hereby made a corporation by the name of the Nahant House Company, for the purpose of holding, improving and maintaining the public house called the Nahant House, with the buildings and appurtenances thereto belonging, situated in the town of Nahant; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Title.

Purpose.

Location.

Powers, duties, &c.

Capital.

How invested. SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, which may be invested in real and personal property necessary and convenient for the purposes aforesaid.

Approved February 24, 1860.

Chap. 40.

AN ACT IN ADDITION TO AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER, IN THE COUNTY OF HAMPSHIRE, BETWEEN THE TOWNS OF NORTHAMPTON AND HADLEY, AND FOR SUPPORTING THE SAME.

Be it enacted, &c., as follows :

Liberty to extend and support bridge. "The Proprietors of the Northampton Bridge" are hereby authorized and empowered to extend their bridge one hundred and fifty feet, north-easterly, from its present abutment in the town of Hadley, and to widen the Connecticut River at that point, by removing the earth immediately adjacent to the said abutment, for the aforesaid distance of one hundred and fifty feet.

Limit.

Approved February 24, 1860.

Chap. 41.

AN ACT RELATING TO THE FEES OF WITNESSES BEFORE THE GENERAL COURT.

Be it enacted, &c., as follows :

Sergeant-at-arms to pay witnesses before commit- SECTION 1. The sum appropriated by law for the fees of witnesses before the general court, may be allowed and paid

to the sergeant-at-arms, who shall pay the legal fees due to witnesses summoned before committees authorized to send for persons and papers, upon the certificate of the chairman or other member authorized by the committee to certify such accounts, as soon as may be after said witnesses are discharged; and shall return into the treasurer's or auditor's office, the accounts of said witnesses, together with the unexpended balance of the appropriation, within ten days after the expiration of the session of the general court at which the witnesses appeared.

SECTION 2. In case witnesses are summoned in any session before the passage of an act making an appropriation for witnesses, the governor may draw his warrant for a sum not exceeding the appropriation made in the preceding year: *provided*, said sum does not exceed three hundred dollars; and said sum shall be allowed and paid to the sergeant-at-arms, in anticipation of the regular appropriation, to be disbursed in the manner provided in the preceding section.

SECTION 3. This act shall take effect from its passage.

Approved February 21, 1860.

AN ACT CONCERNING THE AGRICULTURAL BRANCH RAILROAD.

Be it enacted, &c., as follows:

The sixth section of the one hundred and seventy-eighth chapter of the laws of the year one thousand eight hundred and fifty-two, is hereby amended so that the capital required to build the second section of the Agricultural Branch Railroad shall be one hundred thousand dollars; and the capital required to build the third section shall be fifty thousand dollars.

Approved February 21, 1860.

Chap. 42.

Amendment.

Capital for second and third sections.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE HOUSE OF THE ANGEL GUARDIAN.

Be it enacted, &c., as follows:

SECTION 1. John B. Fitzpatrick, Manasus Dougherty, and George F. Haskins, their associates and successors, who were made a corporation by the name of the Trustees of the House of the Angel Guardian, by an act passed on the twenty-third day of April, in the year one thousand eight hundred and fifty-three, shall continue to be a corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the act aforesaid; and every contract, agreement and obligation heretofore made or entered into by the said corporation, or which shall hereafter be made or entered into by them, shall have the same validity and effect as the same would have if there

Corporators.

Title.

Powers, duties, &c.

Previous acts and doings legalized.

had been no defect, informality, irregularity or omission in the original organization, or in the perpetuation of the said corporation.

Organization.

SECTION 2. Said corporation may, at any meeting duly notified and called for the purpose, by the persons named in this act, and holden within ninety days after the passage thereof, proceed to the choice of officers, and may do all other acts and things which rightfully pertain to the said corporation.

SECTION 3. This act shall take effect from its passage.

Approved February 24, 1860.

Chap. 44. AN ACT TO EXTEND THE TIME WITHIN WHICH TO CONSTRUCT A PORTION OF THE MIDLAND RAILROAD.

Be it enacted, §c., as follows:

Time extended.

The time within which the Midland Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-one: *provided, however,* that any person whose land or other property has been taken by said railroad company, shall have one year in addition to the time now allowed to avail himself of the remedies provided in the sixty-third chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Proviso.

Approved February 24, 1860.

Chap. 45. AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO AUTHORIZE EDMUND T. DANA AND OTHERS TO CONSTRUCT DAMS AND DIKES IN CAMBRIDGE."

Be it enacted, §c., as follows:

Time extended.

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven of the acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended one year.

Approved February 24, 1860.

Chap. 46. AN ACT TO PROTECT THE FISHERY IN MARSHPEE.

Be enacted, §c., as follows:

Taking of trout forbidden within certain limits.

SECTION 1. No person shall take any trout in Marshpee River, extending to and including all the waters into which said river empties from the westerly side as far as the water flows, to a line drawn due east and west across the northerly end of Poppenessett Island, so called, thence on the same line east to the centre of the channel which forms the line of division between Barnstable and Marshpee, thence by said

line of division northerly, till it meets a line drawn due east from the mouth of Quawker's River, so called, thence west to the mouth of said Quawker's River, and thence by the shore to the said Marshpee River, from the fifteenth day of September in each year, to the twentieth day of March in the year next ensuing.

SECTION 2. No person, except the proprietors of said district, shall take any trout in said river and the waters aforesaid, described in the first section, at any time, without a written permit from the treasurer of Marshpee, which shall specify the time when, and the places where, the person holding the same is allowed to fish. And no person shall at any time use any other means of taking trout in said river and waters described as aforesaid, than by angling with hooks and lines.

Other restric-
tions.

Manner of taking
fish.

SECTION 3. The said district may, by vote in legal meeting, make any regulations or by-laws respecting said fishery, not repugnant to the provisions of this act; and the income from said fishery shall inure wholly to said district.

Regulations.

SECTION 4. Any person offending against the provisions of this act, or any regulations or by-laws passed by authority of the third section of this act, shall forfeit and pay a fine of twenty dollars for each and every offence, to be recovered by prosecution before any trial justice in the county of Barnstable, to the benefit of said district.

Penalty.

SECTION 5. Any person who shall have in his possession any trout, knowing the same to have been taken from said river, contrary to the provisions of this act, shall forfeit the sum of fifty cents for every trout so found in his possession.

Penalty.

SECTION 6. If any minor shall offend against the provisions of this act, the parent, master or guardian of such minor shall be liable, and may be prosecuted accordingly therefor.

Penalty against
minors.

SECTION 7. The said district, at any regular meeting, with notice in the warrant that the subject will be acted on, may authorize the selectmen of said district to lease or dispose of the trout or herring fishery belonging to said district, from time to time, for terms of time not exceeding twenty years in any one lease, the proceeds to go into the treasury for the benefit of the district; and they may elect and appoint two or more fish wardens to protect said fishery. All prosecutions under this act shall be commenced within one year from the time when the offence is committed.

Lease of fishery.

Fish wardens.

SECTION 8. The thirty-sixth chapter of the year eighteen hundred and forty-nine, and the fifth section of chapter one hundred eighty-six of the year eighteen hundred and fifty-

Repealing sec-
tion.

three, and chapter one hundred and five of the year eighteen hundred and fifty-nine, are hereby repealed.

SECTION 9. This act shall take effect from and after the first day of March next.

Approved February 24, 1860.

Chap. 47. AN ACT CONCERNING THE PROPRIETORS OF NEPONSET BRIDGE.

Be it enacted, &c., as follows :

Proprietors to pay over surplus earnings to trustees.

SECTION 1. The proprietors of Neponset Bridge, after deducting from the amount now remaining in their hands, arising from tolls collected, such sums as they are authorized to retain, including the expenses of proceedings for the dissolution of the corporation, are empowered to pay over the residue of such sum to the trustees of said bridge for the uses of their trust.

SECTION 2. This act shall take effect from its passage.

Approved February 24, 1860.

Chap. 48. AN ACT AMENDING THE CHARTER OF THE CITY OF FALL RIVER.

Be it enacted, &c., as follows :

Annual election.

SECTION 1. The annual election in the city of Fall River, which is now by law held on the first Monday of March, shall, in future, be held on the first Monday of December ; and the mayor, aldermen, common councilmen and ward officers chosen at said election, shall hereafter enter upon the duties of their respective offices on the first Monday in January, annually, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead.

Term of office, &c.

When to take effect.

SECTION 2. This change shall take effect on the first Monday of December, in the year one thousand eight hundred and sixty ; and the term of office of the mayor, aldermen, common councilmen and ward officers, elected on the first Monday of March, in the year one thousand eight hundred and sixty, shall expire on the first Monday of January, in the year one thousand eight hundred and sixty-one.

Amendment.

SECTION 3. The provisions of chapter one hundred and sixty-eight of the acts of eighteen hundred and fifty-nine, entitled " An Act amending the charter of the city of Fall River," are so far amended as to limit the first official year of the school committee elected under it, to the first Monday of January in the year one thousand eight hundred and sixty-one ; and the official year of said school committee shall thereafter commence on the first Monday of January in each year.

School committee.

Act to be void unless accepted.

SECTION 4. This act shall be void unless the inhabitants of the said city of Fall River, at a legal meeting called for

that purpose, shall, by a majority of the voters present and voting thereon, by ballot, determine to adopt the same.

SECTION 5. This act shall take effect from and after its passage.

Approved February 24, 1860.

AN ACT TO INCORPORATE THE ARMS ACADEMY.

Chap. 49.

Be it enacted, §c., as follows :

SECTION 1. Ebenezer Maynard, of Buckland, Carver Hotchkiss, and Samuel T. Field, of Shelburne, their associates and successors, are hereby made a corporation by the name of the Arms Academy, in the village of Shelburne Falls, Franklin County, Massachusetts; with all the powers and privileges set forth in the thirty-second chapter of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine.

Corporators.

Title.

Location.

Powers, duties, &c.

SECTION 2. Said corporation may hold real and personal estate to the amount of fifty thousand dollars.

Am't of real and personal estate.

Approved February 24, 1860.

AN ACT TO AUTHORIZE THE TOWNS OF BUCKLAND AND SHELburne TO AID IN THE PURCHASE OF LANDS, AND THE ERECTION OF BUILDINGS FOR THE ARMS ACADEMY IN SHELburne FALLS.

Chap. 50.

Be it enacted, §c., as follows :

SECTION 1. Each of the towns of Buckland and Shelburne, in the county of Franklin, is hereby authorized to subscribe and pay into the funds of the Arms Academy, in the village of Shelburne Falls, in Franklin County, the sum of twenty-five hundred dollars, agreeable to and for the purposes set forth in the last will and testament of the late Ira Arms, of Shelburne, deceased, which will is dated October twenty-ninth, in the year one thousand eight hundred and fifty-eight, and proved October eighteenth, in the year one thousand eight hundred and fifty-nine.

Amount authorized.

SECTION 2. Said towns are hereby authorized to raise, by loans or taxes, any sums of money which shall be required for the purposes of this act.

Power to raise by loan or tax.

SECTION 3. The town of Buckland and the town of Shelburne are hereby exempted from the requirements contained in the fifth section of the twenty-third chapter of the Revised Statutes, and the acts in addition thereto, so long as the Arms Academy shall furnish gratuitous education to the youth of those towns, agreeably to the provisions of the will of the late Ira Arms, as indicated in this bill: *provided*, the said towns raise and appropriate the sums of money as indicated in the preceding sections of this act.

Exemption.

Proviso.

Approved February 24, 1860.

Chap. 51. AN ACT RELATING TO THE COUNTERSIGNING OF BANK NOTES IN THE AUDITOR'S OFFICE.

Be it enacted, &c., as follows :

Additional persons to countersign notes, authorized.

SECTION 1. The auditor of accounts is authorized to appoint, with the approval of the governor, additional persons, not exceeding two, who shall have the same powers, and be subject to all the duties and liabilities now prescribed by the sixth section of the two hundred and twenty-first chapter of the acts of the year one thousand eight hundred and fifty-nine.

SECTION 2. This act shall take effect from its passage.

Approved February 27, 1860.

Chap. 52. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

Be it enacted, &c., as follows :

Appropriations for 1860.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, one thousand eight hundred and sixty, that is to say :

Lieutenant-governor and council.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding eight thousand dollars.

Clerks of the senate and house of representatives

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, four thousand dollars.

Chaplains of the senate and house of representatives

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars.

Fees of witnesses.

For fees of witnesses summoned before committees, in accordance with the provisions of the acts of one thousand eight hundred and forty-nine, chapter two hundred and eight, a sum not exceeding five hundred dollars.

Preacher of election sermon.

For the compensation of the preacher of the election sermon, one hundred dollars.

Stationery—Senate.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand one hundred dollars.

House.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand dollars.

Messenger to governor and council.

For the compensation of the messenger to the governor and council, eight hundred dollars.

Assistant.

For the compensation of the assistant-messenger to the governor and council, three hundred and sixty-five dollars.

For the salary of the sergeant-at-arms, two thousand dollars. Sergeant at-arms

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding eight thousand two hundred dollars. Door-keepers, messengers and pages, watchmen and firemen.

For the authorized expenses of committees of the legislature, a sum not exceeding three hundred dollars. Committees of the legislature—expenses.

For the salary of the chief justice of the superior court, three thousand seven hundred dollars. Chief justice superior court.

For the salaries of nine associate justices of said court, thirty-one thousand five hundred dollars. Associates.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars. Clerk S. J. court.

For the salary of the assistant-clerk of said court, fifteen hundred dollars. Assistant.

For expenses of said court, two thousand five hundred dollars. Expenses.

For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars. Judges of probate and insolvency. Suffolk.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Worcester, eighteen hundred dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Essex, fifteen hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, fourteen hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, eleven hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, eight hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, eight hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Hampshire, six hundred and fifty dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, six hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Nantucket, three hundred dollars. Nantucket.

Dukes.	For the salary of the judge of probate and insolvency for the county of Dukes County, two hundred and fifty dollars.
Registers of prob. and insolvency and ass'ts.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Suffolk.	For the salary of the assistant-register for the county of Suffolk, fifteen hundred dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Middlesex, one thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Worcester, one thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Essex, eight hundred dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, one thousand dollars.
	For the salary of the assistant-register for the county of Norfolk, six hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, eight hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, eight hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, seven hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, three hundred dollars.
Dukes.	For the salary of the register of probate and insolvency for the county of Dukes County, two hundred and seventy-five dollars.
Expenses of courts of insolvency.	For certain expenses of the courts of insolvency, authorized by section twenty-three of chapter two hundred and eighty-four of the acts of the year one thousand eight hundred and fifty-six, or similar accounts for the courts of

probate and insolvency, a sum not exceeding three thousand dollars.

For the salary of the attorney-general, two thousand five hundred dollars. Attorney-Gen-
eral—

For clerk hire in the office of the attorney-general, a sum not exceeding one thousand dollars. Clerk hire.

For incidental expenses in the office of the attorney-general, a sum not exceeding one hundred dollars. Incidentals.

For fees, costs, court expenses, and other like charges of the attorney-general, in accordance with the provisions of the act of the year one thousand eight hundred and thirty-nine, chapter twenty-eight, a sum not exceeding three hundred dollars. Fees, costs, court
expenses, &c.

For the salary of the attorney for the county of Suffolk, three thousand dollars. Attorney for the
county of Suffolk.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars. Assistant.

For the salary of the district-attorney for the eastern district, one thousand two hundred dollars. District att'ys.
Eastern.

For the salary of the district-attorney for the northern district, one thousand two hundred dollars. Northern.

For the salary of the district-attorney for the southern district, one thousand two hundred dollars. Southern.

For the salary of the district-attorney for the middle district, one thousand two hundred dollars. Middle.

For the salary of the district-attorney for the south-eastern district, one thousand two hundred dollars. South-eastern.

For the salary of the district-attorney for the western district, one thousand two hundred dollars. Western.

For the salary of the district-attorney for the north-western district, eight hundred and ninety dollars. North-western.

For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars. Reporter decisions
S. J. court.

For the salary of the secretary of the Commonwealth, two thousand dollars. Secretary of the
Commonwealth.

For the salary of the first clerk in the secretary's office, one thousand five hundred dollars. First clerk in sec-
retary's office.

For the salary of the second clerk in the secretary's office, one thousand four hundred dollars. Second clerk.

For the salary of the messenger in the secretary's office, eight hundred dollars. Messenger.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding fourteen thousand dollars. Assistant-clerks.

For the payment for the weekly and monthly publication of bank returns, in accordance with the second and fourth
Publication of
bank returns.

sections of the act of the year one thousand eight hundred and fifty-four, chapter three hundred and seven, a sum not exceeding five hundred dollars.

Incidental expenses. For incidental expenses of the secretary's office, a sum not exceeding three thousand two hundred dollars.

Treasurer and receiver-general. For the salary of the treasurer and receiver-general, two thousand dollars.

First clerk in treasurer's office. For the salary of the first clerk in the treasurer's office, one thousand five hundred dollars.

Second clerk. For the salary of the second clerk in the treasurer's office, one thousand two hundred dollars.

Incidental expenses. For incidental expenses of the treasurer's office, a sum not exceeding three hundred dollars.

Auditor of accounts. For the salary of the auditor of accounts, two thousand dollars.

Auditor's clerk. For the salary of the clerk of the auditor of accounts, one thousand two hundred dollars.

Incidental expenses. For incidental expenses of the auditor's office, a sum not exceeding one hundred and fifty dollars.

Additional clerical assistance to countersign bank notes. For compensation of the persons appointed under authority of acts of eighteen hundred and fifty-nine, chapter two hundred and twenty-one, section six, to countersign circulating notes of the similitude of bank notes, and the same may be paid to the clerk in the auditor's office, in addition to his salary, three hundred dollars.

Other additional clerk hire. For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two thousand two hundred dollars.

Printing and distribution of general laws. For printing such number, not exceeding one hundred and fifty thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution of one copy thereof to each family, or each eight persons in the Commonwealth, in accordance with the provisions of chapter eighty-eight of the resolves of the year eighteen hundred and forty-seven, and chapter eighty-nine of the resolves of the year eighteen hundred and fifty, a sum not exceeding three thousand dollars.

Printing "blue book." For printing two thousand copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters in the usual form, but not including the constitution, a sum not exceeding one thousand five hundred dollars.

Publication of general laws, &c. For the publication of the general laws, and all other information intended for the public, in accordance with the provisions of chapter twenty-four of the resolves of the year

one thousand eight hundred and fifty-seven, three hundred dollars.

For the purchase, by the secretary of the Commonwealth, of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding three hundred dollars.

Blanks, for births, marriages and deaths.

For fuel and lights for the state house, a sum not exceeding two thousand dollars ; and such sum shall be disbursed under the direction of the commission provided in the acts of the year one thousand eight hundred and fifty-seven, chapter sixty-five.

Fuel and light.

For repairs, improvements and furniture of the state house, to be disbursed in the manner provided in the acts of the year one thousand eight hundred and fifty-seven, chapter sixty-five, a sum not exceeding two thousand six hundred dollars.

Repairs, furniture, &c., state house.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, to be disbursed in the manner provided in the acts of the year one thousand eight hundred and fifty-seven, chapter sixty-five, a sum not exceeding one thousand five hundred dollars : *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object, for which an appropriation is otherwise made in this act, or in any act which may be passed subsequently.

Contingent expenses.

For postage, printing and stationery, for the governor and council, a sum not exceeding five hundred dollars.

Postage, printing, &c., for governor and council.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, in accordance with the fifteenth of the joint rules and orders of the two branches, a sum not exceeding ten thousand dollars.

Printing and binding, senate and house.

For printing blanks and circulars, and the calendar of orders of the day, required for the use of the senate, a sum not exceeding four hundred dollars.

Blanks, &c., for senate.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding seven hundred dollars.

Blanks, &c., for house.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty, under the direction of the secretary of the Commonwealth, according to the acts of the year one thousand eight hundred and fifty-seven, chapter forty, and the acts of the year one thousand eight hundred and fifty-eight, chapter forty-six, and the acts of the year one thousand eight hundred and fifty-

Public series of documents by secretary.

eight, chapter twenty-two, and for binding the copies to be distributed to the towns and cities, a sum not exceeding seven thousand dollars.

**Bank commis-
sioners.** For the mileage and compensation of the bank commissioners, a sum not exceeding six thousand five hundred dollars.

Clerk. For the salary of the clerk of the bank commissioners, one thousand four hundred dollars.

Incidentals. For the incidental expenses of the bank commissioners, a sum not exceeding two hundred dollars.

**Insurance com-
missioners.** For the compensation and expenses of the board of insurance commissioners, a sum not exceeding four thousand dollars.

**New Plymouth
Records.** To continue the printing of the New Plymouth Records, under the direction of the secretary of the Commonwealth, a sum not exceeding four thousand dollars.

Copying, &c. For continuing the copying of the New Plymouth Records, and superintending the printing of the same, a sum not exceeding eleven hundred dollars.

**Books, station-
ery, &c., for leg-
islature.** For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding five hundred dollars.

State map, plates. For corrections in the plates of the state map, in accordance with the resolves of the year one thousand eight hundred and fifty-seven, chapter eighty-two, a sum not exceeding one hundred dollars.

State library. For the state library, in accordance with the resolves of the year one thousand eight hundred and fifty-seven, chapter nine, one thousand eight hundred dollars, to be expended under the direction of the trustees and librarian; and all sums required for the completion and printing, or now due for printing of the catalogue, shall be paid from this appropriation.

**Additional assist-
ance.** For additional assistance in the library, in accordance with the resolves of the year one thousand eight hundred and fifty-seven, chapter forty-nine, a sum not exceeding five hundred dollars.

**Council, contin-
gent expenses.** For the contingent expenses of the council, a sum not exceeding eight hundred dollars.

**Witnesses to gen-
eral court.** For the expense of summoning witnesses to the general court, a sum not exceeding three hundred dollars.

**Alien commis-
sioners.** For the compensation and expenses of the alien commissioners, and agents employed by them, according to law, a sum not exceeding seven thousand five hundred dollars.

**Burial of state
paupers.** For burial of state paupers, two thousand dollars.

For the compensation and expenses of the superintendent of alien passengers, a sum not exceeding seven thousand dollars.

Superintendent of alien passengers.

For the expenses of coroners' inquests, a sum not exceeding five hundred dollars.

Coroners' inquests.

To furnish the town of Acushnet with a set of standard weights, balances and measures, a sum not exceeding one hundred and fifty dollars.

Town of Acushnet, weights and measures.

For expenses the present year under the provisions of an act entitled "An Act to protect the rights and liberties of the people of the Commonwealth of Massachusetts," being chapter four hundred and eighty-nine of the acts of the year eighteen hundred and fifty-five, a sum not exceeding two hundred dollars.

Expenses under personal liberty act.

For counsel fees in the suit pending in the supreme court of the United States, between the Commonwealth and the state of Rhode Island, to be expended under the supervision of the attorney-general, a sum not exceeding five thousand dollars.

Rhode Island boundary.

The appropriation made in the twenty-second chapter of the acts of the year one thousand eight hundred and fifty-eight, for the emergency fund, is hereby made applicable to and may be used during the present political year, for the purposes and under the provisions and limitations mentioned in said chapter.

Emergency fund.

CHARITABLE.

For the current expenses of the several state almshouses and for the hospital at Rainsford Island, in addition to the sums appropriated for these purposes in chapter twenty-one of the acts of the present year, the following sums, viz. :

State almshouses.

State almshouse at Tewksbury, a sum not exceeding thirty-three thousand dollars.

Tewksbury.

State almshouse at Monson, a sum not exceeding twenty-seven thousand dollars.

Monson.

State almshouse at Bridgewater, a sum not exceeding twenty-seven thousand dollars; and for the hospital at Rainsford Island, a sum not exceeding fifteen thousand dollars.

Bridgewater.

Rainsford Island Hospital.

For the current expenses of the state reform school for boys, at Westborough, a sum not exceeding thirty-nine thousand five hundred dollars; said sum to be expended solely for the current expenses of said institution; and all other sums received by said institution from towns and cities, for the support of the boys in said school, shall be paid into the treasury of the Commonwealth; and no moneys appro-

State reform school.

prorated by this act shall be expended by the trustees of said school to pay for the recent improvements at said institution, and without authority of law.

Nautical branch. For the current expense of the nautical branch of the state reform school, a sum not exceeding fifteen thousand dollars.

Transportation of paupers. For the transportation of state paupers, to be expended by the alien commissioners, a sum not exceeding eight thousand dollars: *provided*, that the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses; and a detailed account of such expenditures shall be rendered to the auditor on the first day of every month.

Indians. For Indians, a sum not exceeding three thousand dollars.

Lunatic paupers. For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding sixty thousand dollars.

Blind Asylum. For the Perkins' Institution and Massachusetts Asylum for the Blind, in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter sixty-two, twelve thousand dollars.

School for idiots. For the Massachusetts School for Idiotic and Feeble-Minded Youth, in accordance with the resolves of the year one thousand eight hundred and fifty-one, chapter forty-four, five thousand dollars.

Deaf and dumb at Hartford. For the support of patients from Massachusetts, in the asylum for the deaf and dumb at Hartford, in the state of Connecticut, in accordance with the resolves of the year eighteen hundred and twenty-nine, chapter forty-one, and the resolves of the year eighteen hundred and forty-seven, chapter forty-four, a sum not exceeding eight thousand six hundred dollars.

Bequests of Martha Johnnot. For the annuities due from the Commonwealth in respect to the obligations incurred by the acceptance of the bequests of the late Martha Johnnot, a sum not exceeding one thousand seven hundred and forty dollars.

Pensions. For pensions, a sum not exceeding seven hundred dollars.

Almshouse sinking fund. To the sinking fund for the redemption of the scrip issued to obtain means for building the state almshouses, six thousand dollars.

SCIENTIFIC AND EDUCATIONAL.

Agricultural societies—bounties. For bounties to agricultural societies, twelve thousand eight hundred twenty-seven dollars and sixty-eight cents.

Secretary, board of agriculture. For the salary of the secretary of the board of agriculture, two thousand dollars.

For the travelling expenses of members of said board, a sum not exceeding twelve hundred dollars.

Travelling expenses of said board.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-seven, a sum not exceeding two hundred and fifty dollars.

Travelling expenses, &c., of secretary.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Incidental expenses of said board

For the salary of the clerk of the secretary of said board, six hundred dollars.

Clerk of secretary

For collecting information on agricultural subjects, one thousand dollars.

Information on agricultural subjects.

For printing abstracts of the reports of the board of agriculture, and of information on agricultural subjects, and the distribution of the same, one thousand dollars.

Agricultural reports, &c.

For printing ten thousand copies of the report of the board of agriculture, a sum not exceeding six thousand five hundred dollars.

MILITARY.

For the salary of the adjutant and quartermaster-general, one thousand eight hundred dollars.

Adjutant-general

For the salary of the clerk of the adjutant-general, twelve hundred dollars.

Clerk.

For the incidental expenses of the adjutant-general, a sum not exceeding three hundred and fifty dollars.

Incidental.

For the expenses of the adjutant and quartermaster-general's department, a sum not exceeding four thousand dollars.

Department.

For military bounty, a sum not exceeding forty-three thousand dollars.

Military bounty.

For military accounts, a sum not exceeding five thousand five hundred dollars.

Military accounts

For the rent of armories, a sum not exceeding eleven thousand dollars.

Rent of armories.

REFORMATORY AND CORRECTIONAL.

For the expenses of the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

Fugitives from justice.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding five hundred dollars.

Agent for discharged convicts.

For the expenditures of said agent, in accordance with the provisions of chapter two hundred and thirteen of the acts of the year one thousand eight hundred and fifty-two, a sum not exceeding five hundred dollars, in addition to such

Expenditures.

sum as he may receive from the warden of the state prison, in accordance with chapter one hundred and forty-four, section fifty-three, of the Revised Statutes.

Industrial school
for girls.

For the current expenses of the State Industrial School for Girls, at Lancaster, a sum not exceeding fourteen thousand dollars.

"Incidental ex-
penses" defined.

SECTION 2. The term "incidental expenses," wherever used in any act of appropriation heretofore, or which may hereafter be passed, shall be held to include no charges except for postage, printing, stationery and fuel; all charges for which in each department of the government, or by any committee for whom an appropriation shall be made, "for incidental expenses," shall be defrayed in accordance with the appropriations for these objects provided in such acts.

Subsequent ap-
propriations to
supersede.

SECTION 3. In case any appropriation is made in any act of appropriation heretofore, or which may hereafter be passed, for a service or object for which a different or larger appropriation may have been made in some act or resolve previously passed, the appropriation last made shall be held to supersede the other, and so much of the previous act or resolve as provides the larger or different appropriation shall be void and of no effect.

SECTION 4. This act shall take effect from its passage.

Approved February 29, 1860.

Chap. 53.

AN ACT TO PROTECT THE BEACONS, BUOYS AND FLOATING GUIDES ON THE COAST OF MASSACHUSETTS, AND IN THE RIVERS, HARBORS AND CHANNELS, IN SAID STATE.

Be it enacted, §c., as follows:

Mooring prohib-
ited.

SECTION 1. Any person or persons who shall moor any vessel, scow, boat or raft to any buoy or beacon, or floating guide, placed by the United States in the navigable waters of this Commonwealth, or who shall in any manner make fast thereto any vessel, boat, scow or raft, shall forfeit and pay a sum not exceeding fifty dollars; and any person or persons who shall wilfully destroy, injure or remove any such beacon or guide, shall forfeit and pay a sum not exceeding one hundred dollars, or be imprisoned in the common jail not exceeding three months.

Penalty.

Forfeitures how
recovered.

SECTION 2. Said forfeitures may be recovered by an action of tort, complaint or indictment, before any court competent to try the same; one-third accruing to the informer or complainant, and the other two-thirds to the county in which the trial shall be had.

Approved March 5, 1860.

AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE COUNTY OF NORFOLK, TO BORROW MONEY FOR THE ERECTION AND ALTERATIONS OF PUBLIC BUILDINGS. *Chap. 54.*

Be it enacted, &c., as follows :

The county commissioners for the county of Norfolk, are hereby authorized and empowered to borrow on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding thirty thousand dollars, the same to be expended by said commissioners or their successors in office, in erecting a fire-proof building for a registry for the county, and altering and repairing the county court house, if the commissioners shall so determine.

Approved March 5, 1860.

AN ACT TO INCORPORATE THE PHENIX FIRE INSURANCE COMPANY. *Chap. 55.*

Be it enacted, &c., as follows :

SECTION 1. Samuel White, John J. Marsh, Eleazer A. Porter, their associates and successors, are hereby made a corporation by the name of the Phenix Fire Insurance Company, to be established in the town of Haverhill, for the purpose of making insurance against losses by fire, and the risks of inland and coastwise navigation and transportation ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and in all other general statutes that have been or may hereafter be enacted relating to insurance companies.

SECTION 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred thousand dollars ; and shall have a right to hold real estate for its own use to an amount not exceeding fifteen thousand dollars.

Approved March 5, 1860.

AN ACT TO INCORPORATE THE HOOSAC VALLEY AGRICULTURAL SOCIETY. *Chap. 56.*

Be it enacted, &c., as follows :

Clement Harrison, Edward R. Tinker, Rodman H. Wells, their associates and successors, of Berkshire and Franklin counties, are hereby made a corporation under the name of the Hoosac Valley Agricultural Society, for the encouragement of Agriculture and the Mechanic Arts, by premiums and other means, in the town of Adams, North Village, in the county of Berkshire ; with all the powers and privileges,

Powers, duties, &c. and subject to all the duties, liabilities and restrictions, set forth in the sixtieth, sixty-sixth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine. And said corporation may hold and manage real estate not exceeding in value five thousand dollars, and personal estate not exceeding the same sum, for the purpose aforesaid, any provision of law to the contrary notwithstanding: *provided, however*, said society shall not receive a sum exceeding four hundred dollars, annually, from the treasury of the Commonwealth for premiums.

Real estate.

Personal estate.

Proviso.

Approved March 5, 1833.

Chap. 57. AN ACT CONCERNING THE TERMS OF THE SUPREME JUDICIAL COURT IN THE COUNTIES OF FRANKLIN, MIDDLESEX AND PLYMOUTH.

Be it enacted, &c., as follows:

Time for holding term at Greenfield. SECTION 1. The term of the supreme judicial court, now appointed by law to be held at Greenfield, in the county of Franklin, on the second Tuesday of September, shall be held on the second Tuesday of April; and all writs, processes and recognizances, made returnable to the term of said court on the second Tuesday of September, shall be returned to and entered at the term of said court, to be held on the second Tuesday of April next.

Lowell. SECTION 2. The term of the supreme judicial court, now appointed by law to be held at Lowell, in the county of Middlesex, on the first Tuesday of May, shall be held on the third Tuesday of April; and all writs, processes and recognizances, made returnable to the term of said court on the first Tuesday of May, shall be returned to and entered at the term of said court, to be held on the third Tuesday of April next.

Plymouth. SECTION 3. The term of the supreme judicial court, now by law appointed to be held at Plymouth, in the county of Plymouth, on the second Tuesday of July, shall be held on the second Tuesday of May; and all writs, processes and recognizances, made returnable to the term of said court on the second Tuesday of July, shall be returned to and entered at the term of said court, to be held on the second Tuesday of May next.

Of default. SECTION 4. Default shall not be entered in any suit or process made returnable at the terms of court abolished by this act, and which may be entered at the terms hereby created, until after fourteen days' notice, in writing, shall have been given to the defendants, of the change in the return day of said suit or process.

SECTION 5. This act shall take effect from its passage.

Approved March 5, 1860.

AN ACT TO CHANGE THE NAME OF THE SECOND PRECINCT IN ROCHESTER, TO THE FIRST PRECINCT IN MATTAPOISETT.

Chap. 58.

Be it enacted, &c., as follows:

SECTION 1. The religious society in the town of Mattapoissett, in the county of Plymouth, known by the name of the Second Precinct in Rochester, is hereby allowed to take the name of the First Precinct in Mattapoissett. Change of name.

SECTION 2. This act shall take effect from the time of its acceptance by the aforesaid Second Precinct in Rochester, at any legal meeting called for that purpose, and held within six months from the passage of this act. Act to be accepted by society.

Approved March 5, 1860.

AN ACT TO INCORPORATE THE DEAN LIBRARY ASSOCIATION.

Chap. 59.

Be it enacted, &c., as follows:

SECTION 1. Luther Metcalf, Clark Partridge, William H. Cary, John Cole, A. LeBaron Munroe, their associates and successors, are hereby made a corporation by the name of the Dean Library Association, to be established in the town of Medway, and in "the village," so called, in the county of Norfolk, for the purpose of maintaining a library and reading room, and promoting public instruction by lectures or otherwise: with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes. Corporators.
Title.
Location.
Purpose.
Powers, duties &c.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole, ten thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect from its passage.

Approved March 9, 1860.

AN ACT RELATING TO SALES OF REAL ESTATE BY EXECUTORS, ADMINISTRATORS AND OTHERS AUTHORIZED BY LICENSE OF COURT.

Chap. 60.

Be it enacted, &c., as follows:

SECTION 1. No sale of real estate by an executor, administrator, guardian or other person authorized thereto by license of court, and no title under such sale, shall be avoided on account of the deed not having been executed and delivered within one year after the granting of the license for such sale, nor on account of any irregularity in the proceedings, if it appears that the license, bond, oath and notice of time and place of sale, have been according to law, and that the price for which the land shall have been bid off at auction, has been paid by a *bona fide* purchaser. Of execution and delivery of deeds of sale.

SECTION 2. Section forty-seven of chapter one hundred and two of the General Statutes, and all acts or parts of acts inconsistent with this act, are hereby repealed. Repealing section

Approved March 9, 1860.

Chap. 61. AN ACT TO INCORPORATE THE MOUNT ADNAB CEMETERY COMPANY.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Nathaniel Duley, George Norwood, Thomas Chard, William Bragdon, their associates and successors, are hereby made a corporation, by the name of the Mount Adnah Cemetery Company; for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of Gloucester, in the county of Essex :

Title.

Purpose. and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

Location.

Powers, duties, &c.

Real and personal estate. SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of five thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 9, 1860.

Chap. 62. AN ACT DEFINING THE TIMES OF HOLDING THE CRIMINAL TERMS OF THE SUPERIOR COURT FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows :

Newburyport, Lawrence and Salem. SECTION 1. The terms of the superior court, for the transaction of criminal business in the county of Essex, shall be holden at Newburyport, on the second Monday of May; at Lawrence, on the second Monday of October; and at Salem, on the fourth Monday of January, annually.

Returns, when to be made. SECTION 2. All writs, processes, bonds and recognizances, which shall be made returnable to said court, at Salem, on the fourth Monday of October next, shall be returned to, be entered at, and have day in, the term of said court to be held at Lawrence, on the second Monday of October next.

SECTION 3. This act shall take effect on the second day of June next.

Approved March 9, 1860.

Chap. 63. AN ACT CONCERNING THE DANVERS RAILROAD COMPANY.
Be it enacted, &c., as follows :

Repeal. The act entitled "An Act concerning the Danvers Railroad Company, and the Boston and Maine Railroad," approved May thirtieth, in the year eighteen hundred and fifty-seven, is hereby repealed.

Approved March 10, 1860.

Chap. 64. AN ACT IN ADDITION TO AN ACT RELATING TO ESSEX BRIDGE.
Be it enacted, &c., as follows :

Rates of toll. SECTION 1. The toll upon the Essex bridge, for each chaise, or other pleasure carriage or sleigh, drawn by one horse, shall be five cents, and the toll for each coach, or other pleasure carriage or sleigh, or carriage or sleigh for

passengers, drawn by two horses, ten cents, subject to such commutation as is now provided by law.

SECTION 2. The agent of said bridge shall make all contracts for lumber and materials for the repair of said bridge, and superintend all repairs thereon, and, quarterly, pay over to the treasurer of the Commonwealth all such money as he shall have received for tolls thereon, except such thereof as he shall have paid out for the repairs or maintenance of said bridge, or the compensation of the toll-gatherers; and all sums due for such repairs, maintenance or compensation, may be paid by said agent out of said money, or by the treasurer of the Commonwealth, out of the Essex bridge fund: *provided*, that no money shall be so paid by the agent and the treasurer, except in pursuance of appropriations made in each year by the general court; and the said agent shall not incur any liability for the repairs and maintenance thereof, in any one year, beyond the amount appropriated therefor in the same year.

Agent's duties.

Proviso.

SECTION 3. Whenever said agent considers such mode of repair expedient and economical, he may repair the ends of said bridge, by filling and making the same solid: *provided*, that not more than four hundred feet in length on the Salem end, and not more than one hundred feet in length on the Beverly end, shall be so filled in, without express authority of the general court.

Repairs.

Proviso.

SECTION 4. Any person who breaks or injures said bridge, its wharves, piers or appurtenances, shall be liable to said agent for the amount of such damages in an action of tort.

Liability for injury.

SECTION 5. If any vessel, through the negligence or carelessness of the master, or others having charge thereof, injures said bridge, its wharves, piers or appurtenances, the master and owners thereof shall be jointly liable to said agent therefor in an action of tort.

Liability for injury by vessels.

SECTION 6. Whoever wilfully injures or damages said bridge, its wharves, piers or any of its appurtenances, or disturbs or hinders the draw-tender or toll-gatherer in the discharge of his legitimate duties, or, without the consent of the agent, moors any scow, vessel or raft, to said bridge or its appurtenances, shall forfeit a sum not exceeding fifty dollars, to the use of the Commonwealth, to be recovered by complaint or indictment.

Liability for wilful injury, &c.

SECTION 7. The governor and council are hereby authorized to appoint three commissioners, to adjust all outstanding claims and matters of difference between the Commonwealth and the proprietors of Essex bridge, on such terms

Commissioners to be appointed.

as they shall deem just and reasonable; and whenever the said corporation shall comply with the terms of such adjustment, the treasurer of the Commonwealth shall release the said corporation from all further liability to the Commonwealth on account of said bridge: *provided*, that if no such adjustment shall have been made, or the terms thereof shall not have been complied with before the first day of July next, the attorney-general shall commence proceedings against said corporation and its officers, as provided in the first section of the two hundred and sixty-eighth chapter of the acts of the year one thousand eight hundred and fifty-seven.

Proviso.

Regulations of weight, &c.

SECTION 8. No load weighing more than five tons shall cross said bridge, without the consent of the agent or toll-gatherer, and for such toll as they shall determine; and the owner of such load shall be liable for all damage to said bridge thereby, to be recovered by the agent, in an action of tort; and any suit commenced under the provisions of this act, by an agent of said bridge, may be prosecuted by, and in the name of, his successor; and no such action shall abate, by reason of the change of agent.

Salary of agent.

SECTION 9. The agent of Essex bridge shall receive a salary of two hundred and fifty dollars per annum, which sum shall be in full for all of his services.

Repealing section

SECTION 10. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 11. This act shall take effect from its passage.

Approved March 13, 1860.

Chap. 65.

AN ACT TO EXEMPT SEWING MACHINES FROM ATTACHMENT.

Be it enacted, &c., as follows:

Value limited.

In addition to the property now exempted by law from sale or levy on execution, there shall be exempted one sewing machine, of a value not exceeding one hundred dollars, in actual use by each debtor, or the family of the debtor.

Approved March 13, 1860.

Chap. 66.

AN ACT TO AUTHORIZE THE CHARLESTOWN GAS COMPANY TO EXTEND THEIR PIPES AND CONDUCTORS INTO THE TOWN OF MEDFORD.

Be it enacted, &c., as follows:

Extension authorized.

SECTION 1. The Charlestown Gas Company are hereby authorized to extend their gas-pipes and conductors into that part of the town of Medford which adjoins the town of Somerville, for the purpose of supplying the inhabitants living in said part of Medford with gas: *provided*, that said company shall not extend their pipes and conductors at a greater

Proviso.

distance north of Broadway, in Medford, than one hundred and fifty feet, without the written consent of the directors of the Malden and Melrose Gas Light Company.

SECTION 2. For the purpose named in the preceding section, the Charlestown Gas Company, with the consent of the selectmen of Medford, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said part of Medford, for the purpose of sinking and repairing such pipes and conductors as may be necessary therefor; and after opening the ground in such streets, lanes, and highways, they shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being, shall have power at all times to regulate, restrict, and control the acts and doings of the Charlestown Gas Company in Medford, which may in any manner affect the health, safety or convenience, of any of the inhabitants thereof.

Sinking pipes.

Repairs of streets
&c.

Proviso.

SECTION 3. This act shall take effect from and after its passage.

Approved March 13, 1860.

AN ACT TO ANNEX A PART OF THE DISTRICT OF MARSHPEE TO THE TOWN OF SANDWICH.

Chap. 67.

Be it enacted, &c., as follows:

SECTION 1. The balance of that tract of land known as the Fish purchase, lying within the district of Marshpee, in the county of Barnstable, which was not set off from said district and annexed to the town of Sandwich, in the county aforesaid, by chapter one hundred and fifty of the acts of eighteen hundred and fifty-nine, is hereby set off from said district and annexed to said town of Sandwich; said purchase being bounded as follows, to wit: Beginning at the south-west corner of Sandwich on the east side of Falmouth road; thence southerly by said road, about one hundred and fifty-one rods, to a heap of stones which lies eighty rods southerly of the house lot of Simeon Fish, deceased; thence easterly by a range of marked trees, about two hundred and fifty-one rods, into the water of Marshpee pond, at the head of Pickerel Cove; thence through the water of said pond, easterly, and northerly through that part of the pond called Wakepee pond, to the corner of land set to Bethiah Hazard by the commissioners of partition of the common lands of Marshpee, about the year eighteen hundred and forty-two; thence westerly on a right line by said Bethiah's land, by a range of trees marked, to an old maple stump by Pimplico pond; thence northerly, by said Bethiah's land, to

"Fish purchase"
annexed to Sand-
wich.

Bounds.

Reserve to District of Marsh-
pee. a stump and stones near Peters' pond, to the line of Sandwich; thence by said line to Falmouth road at the starting point; reserving, nevertheless, to the said district of Marshpee, all rights and privileges in Marshpee and Wakepee ponds, and to the regulation and control of the fisheries therein.

Persons set off. SECTION 2. Benayah Collins and Virgil B. Collins, within the limits of Marshpee aforesaid, with their polls and estates lying within said district, are hereby set off from said district and annexed to said town of Sandwich; and the said Benayah Collins and Virgil B. Collins shall be entitled, from and after the passage of this act, to all the rights and privileges of inhabitants of the town of Sandwich: *provided, nevertheless*, that by the passing of this act no change whatever shall be made in any rights and privileges in and unto that part of Marshpee River which passes through their estates, and that said Marshpee shall have the same jurisdiction over the waters of said river that she now has, and to the regulation and control of the fisheries therein.

Proviso. SECTION 3. This act shall take effect from and after its passage.

Approved March 13, 1860.

Chap. 68. AN ACT TO INCORPORATE THE WORCESTER SOUTH-EAST AGRICULTURAL SOCIETY.

Be it enacted, &c., as follows:

Corporators. Aaron C. Mayhew, Orison Underwood, B. D. Godfrey, Henry Chapin, B. Wood and C. F. Chapin, their associates and successors, are hereby made a corporation by the name of the Worcester South-East Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Milford, in the county of Worcester, for said county of Worcester, and the counties of Norfolk and Middlesex; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth, sixty-sixth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine: and said corporation may hold and manage real estate not exceeding in value five thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid.

Approved March 13, 1860.

Chap. 69. AN ACT TO INCREASE THE CAPITAL STOCK OF THE SHELburnE FALLS BANK.

Be it enacted, &c., as follows:

Increase of capital. SECTION 1. The president, directors and company of the Shelburne Falls Bank, in the town of Shelburne, and village

of Shelburne Falls, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole be paid in before the first day of June, in the year one thousand eight hundred and sixty-one.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of May next; and if the persons so objecting, legally represent one-third part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECTION 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, provisions and restrictions, to which the present capital stock of said corporation is now subject.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 13, 1860.

AN ACT RELATING TO ATTACHMENTS OF REAL ESTATE.

Be it enacted, &c., as follows:

SECTION 1. Attachments of real estate and leasehold estates, for more than seven years from the making thereof, shall not be valid against purchasers for a valuable consideration, and in good faith, who are not parties defendant to such process, except from the time when the writ, or a copy thereof, as now required by law, shall be deposited in the office of the clerk of the courts for the county where the lands lie.

SECTION 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 3. This act shall take effect on the second day of June next.

Approved, March 13, 1860.

AN ACT TO CHANGE THE WESTERLY TERMINUS OF THE EASTERN AVENUE.

Be it enacted, &c., as follows:

So much of the act to incorporate the Eastern Avenue Corporation, passed on the twenty-fourth day of April, one

thousand eight hundred and fifty-two, as requires their bridge and avenue to run in a direct line to the foot of Summer Street, is hereby repealed; and said corporation are hereby authorized so to change the location of their bridge and avenue, that it may run in a direct line either to Drake's Wharf or to Russia Wharf, opposite Congress Street, or to any point between said wharves: *provided*, such new location shall be within the commissioners' lines, and the location shall be made by said corporation, and approved by the mayor and aldermen of the city of Boston, within one year from the passage of this act; and, *provided, also*, that nothing contained in this act, shall in any way conflict with the provisions of the one hundred and third chapter of the Resolves of the year eighteen hundred and fifty-nine.

Approved, March 14, 1860.

Chap. 72. AN ACT TO INCREASE THE CAPITAL STOCK OF THE COLUMBIAN BANK.
Be it enacted, &c., follows:

SECTION 1. The president, directors and company of the Columbian Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE EAGLE BANK.

Chap. 73.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Eagle Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of three hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty.

Amount of increase.

Shares.

Proviso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance.

Conditions.

SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Tax, &c.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate required.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE TREMONT BANK.

Chap. 74.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Tremont Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount be paid in before the first day of November next.

Amount of increase.

Shares.

Proviso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance.

Conditions.

Tax, &c.

SECTION 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate re-
quired.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

Chap. 75. AN ACT TO INCREASE THE CAPITAL STOCK OF THE MERCHANTS' BANK, IN LOWELL.

Be it enacted, &c., as follows :

Amount of in-
crease.

SECTION 1. The president, directors and company of the Merchants' Bank, in Lowell, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of July, in the year one thousand eight hundred and sixty.

Shares.

Proviso.

Remonstrance.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Conditions.

Tax, &c.

SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate re-
quired.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE LECHMERE BANK. *Chap. 76.*
Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Lechmere Bank, in Cambridge, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of July, in the year one thousand eight hundred and sixty.

Amount of increase.

Shares.

Proviso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance.

Conditions.

SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Tax, &c.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

Certificate required.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE CITY BANK, OF LYNN. *Chap. 77.*

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the City Bank, in Lynn, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty.

Amount of increase.

Shares.

Proviso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth

Remonstrance.

Conditions.

part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Tax, &c.

SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate re-
quired.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

Chap. 78. AN ACT TO LEGALIZE CERTAIN PROCEEDINGS IN INSOLVENCY FOR THE COUNTIES OF WORCESTER AND FRANKLIN.

Be it enacted, &c., as follows :

H. I. Hodges,
judge of insolv-
ency.

SECTION 1. All proceedings heretofore instituted or had in any case of insolvency within the counties of Worcester or Franklin, before Horace I. Hodges, judge of insolvency for the county of Hampshire, so far as the same may want effect or validity by reason that said Hodges had not jurisdiction, or was not properly authorized to sit therein, under the fifth section of the two hundred and eighty-fourth chapter of the acts of eighteen hundred and fifty-six, are hereby confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Certain acts le-
galized.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1860.

Chap. 79. AN ACT TO INCORPORATE THE RUBBER CLOTHING COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles Smead, Ferdinand D. Hughes, Leonard W. Russell, their associates and successors, are hereby made a corporation, by the name of the Rubber Clothing Company, for the purpose of manufacturing rubber clothing, and other rubber goods, in the town of Beverly, in the county of Essex ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year eighteen hundred and fifty-seven, and in all subsequent acts relating to manufacturing corporations.

Title.

Purpose.

Location.

Powers, duties,
&c.

SECTION 2. Said corporation may hold real estate to the amount of seventy-five thousand dollars, for the purposes aforesaid; and the whole capital stock shall not exceed one hundred and seventy-five thousand dollars, which shall be divided into shares of one hundred dollars each.

Real estate.

Capital.

Shares.

SECTION 3. This act shall take effect from its passage.

Approved March 15, 1860.

AN ACT TO INCORPORATE THE CAPE ANN TELEGRAPH COMPANY.

Be it enacted, &c., as follows :

Chap. 80.

SECTION 1. Addison Gott, Josiah W. Hubbard, Charles P. Thompson, and F. H. Palmer, their associates and successors, are hereby made a corporation by the name of the Cape Ann Telegraph Company; with all the rights and privileges, and subject to the restrictions and liabilities contained in the sixtieth, sixty-fourth and sixty-eighth chapters of the General Statutes.

Corporators.

Title.

Rights and duties

SECTION 2. Said corporation is hereby authorized to construct or purchase, maintain and use, lines of telegraph between the city of Boston and Cape Ann.

Power to construct and use telegraph.

SECTION 3. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid, but their whole capital stock shall not exceed the sum of ten thousand dollars, to be divided into shares of twenty-five dollars each; and no share in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Estates.

Capital.

Shares.

SECTION 4. Nothing contained in this act shall authorize said corporation to infringe upon the legal rights of any person or corporation whatever.

Rights of other persons, &c.

Approved March 17, 1860.

AN ACT RATIFYING THE ELECTION OF TOWN OFFICERS IN THE TOWN OF HARWICH.

Be it enacted, &c., as follows :

Chap. 81.

SECTION 1. The election of town officers in the town of Harwich, made at the annual town meeting on the sixth day of February, in the year one thousand eight hundred and sixty, so far as the same may be illegal, for the reason that the check list was not used in the election of said officers, is hereby ratified and confirmed; and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Certain elections made valid.

SECTION 2. This act shall take effect from and after its passage.

Approved March 17, 1860.

Chap. 82.

AN ACT TO INCORPORATE THE ASSONET FISHING COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Gilbert Winslow, John D. Wilson, and John Crane, of Freetown, their associates and successors, are hereby made a corporation by the name of the Assonet Fishing Company, for the purpose of introducing, cultivating and catching herrings or alewives, in the Assonet River and bay, so called, and the several ponds connected therewith ; and they are hereby empowered to alter such dams, and construct such race-ways, and adopt and carry out such other measures as may be necessary to secure the aforesaid purpose, subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and the sixty-eighth chapter of the General Statutes.

Title.

Purpose.

Powers.

Duties, &c.

Penalty for trespass.

SECTION 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any herrings in said river, bay, or ponds, he shall forfeit and pay for the use of said corporation, a sum not exceeding three dollars, if the quantity so taken be less than one barrel ; but if the quantity be more than one barrel, the person so offending shall forfeit and pay for each barrel of fish, so taken, the sum of five dollars, to be recovered in any court proper to try the same.

Of damages against said corporation.

SECTION 3. If any damage shall be done by said corporation to the property of any individual not a member of the corporation, such individual shall be entitled to recover reasonable damage, to be estimated in the same manner as damages occasioned by the laying out of highways.

Rights of said company limited.

SECTION 4. Nothing herein contained shall authorize said company to take or use the private property of any person, without his consent, or deprive any inhabitant of the town of Freetown of any privilege which he now has of taking any kind of fish, excepting herring, from said river, bay or ponds.

SECTION 5. This act shall take effect from and after its passage.

*Approved March 17, 1860.**Chap. 83.*

AN ACT RELATING TO THE REMOVAL OF STATE PAUPERS.

Be it enacted, &c., as follows :

Paupers to be removed in certain cases.

SECTION 1. Any person having received a permit from the overseers of the poor of any city or town to become an inmate of any state almshouse or hospital, and expressing a preference to be sent to any state or place where said pauper may have a legal settlement, or friends willing to support him, the board of alien commissioners shall have power to remove said pauper, previous to his committal to

any state institution, if, in their judgment, the interest of the Commonwealth and of the pauper will be promoted thereby: *provided*, that no person shall be so removed, unless, in the judgment of said overseers and commissioners, he will become a charge to the state for at least one year; and said commissioners shall return, in their annual report, the names of all persons removed under the provisions of this act, the places whence removed, and the cost of the several removals. Proviso.

SECTION 2. The names of persons so removed shall be duly entered upon the register of the almshouse or hospital, together with the usual details of their history, and shall be recorded by the several superintendents, as discharged, to the alien commissioners, for the purposes of removal from the state, in the same manner as persons removed under the acts of eighteen hundred and fifty-nine, chapter two hundred fifty-five. Of registry and record.

SECTION 3. This act shall take effect from the second day of June next.

Approved March 17, 1860.

AN ACT TO INCORPORATE THE FRANKLIN CEMETERY ASSOCIATION. Chap. 84.
Be it enacted, &c., as follows:

SECTION 1. A. E. Daniels, Oliver Dean, Davis Thayer, Jr., their associates and successors, are hereby made a corporation by the name of the Franklin Cemetery Association, for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of Franklin, in the county of Norfolk; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine. Corporators.
Title.
Purpose.
Location.
Powers, duties, &c.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of five thousand dollars; and may divide the same into shares of not less than twenty-five dollars each. Estate.
Amount.
Shares.

SECTION 3. This act shall take effect from its passage.

Approved March 17, 1860.

AN ACT TO ASCERTAIN THE RATABLE ESTATE WITHIN THIS COMMONWEALTH. Chap. 85.

Be it enacted, &c., as follows:

SECTION 1. The assessors of each city and town in this Commonwealth, for the year one thousand eight hundred and sixty, shall, on or before the first day of September, Duty of assessors of cities and towns.

List of polls.

take and lodge in the secretary's office a true and perfect list, conformably to the list hereinafter recited, of all male polls of twenty years old and upwards, whether at home or abroad, distinguishing such as are exempted from taxation ; and of all ratable estate, both real and personal, lying within their cities and towns, not exempted by law from paying state taxes, expressing by whom occupied or possessed, particularly mentioning dwelling-houses, and shops under the same roof or adjoining thereto ; shops separate from them ; distil houses ; tanneries, and other manufactories of leather ; warehouses and stores ; breweries ; rope-walks ; barns ; grist-mills ; saw-mills ; steam and other mills ; cotton factories, with the spindles and looms in the same ; woollen factories, with the sets of cards in the same ; linen factories, with the spindles and looms in the same ; establishments for printing silks and calicoes ; bleacheries ; paper mills ; card factories ; boot factories ; shoe factories ; boot and shoe factories ; India rubber factories ; carriage and ear factories ; piano-forte factories ; sewing machine factories ; chair factories ; pail and tub factories ; other wooden ware factories ; oil factories ; glass factories ; rolling mills ; furnaces and forges ; iron, brass and other foundries ; ore beds, with their furnaces ; machine shops ; tool factories ; small-arm factories ; nail and tack machines ; scythe and axe factories ; other manufactories of iron, copper, brass and other metals ; all other buildings and edifices of the value of twenty dollars and upwards to one hundred dollars ; the same description of buildings of a value exceeding one hundred dollars ; the number of superficial feet of wharf ; the number of tons of vessels of five tons burden and upwards, whether at home or abroad ; the value of rights to take ice from ponds, as merchandise ; the amount of each person's whole stock in trade, including all goods, wares and merchandise, at home or abroad, paid for or not paid for—also those in their hands by factorage ; government securities of all kinds ; moneys at interest, more than any creditor pays interest for ; amount of money on hand, including such as may be deposited in any bank or other incorporated company ; amount of stock held by the stockholders in any bank or insurance company ; shares or property in any bridge, canal, or railroad company, with the value thereof ; shares or property in any other incorporated company, or company organized under the general laws of this Commonwealth, possessing taxable property, with the value thereof ; number of ounces of plate of all kinds, exceeding twenty dollars in value ; the number of horses, of one year old and upwards ; the number of

Real and personal property.

mules and asses, of one year old and upwards; the number of oxen, of four years old and upwards; the number of cows, of three years old and upwards; the number of steers and heifers, of one year old and upwards; the number of sheep, of six months old and upwards; and the number of swine, of six months old and upwards: *provided, however*, that all the machinery employed in any branch of manufactures, and belonging to any corporation, copartnership, person or persons, of this or any other state, shall be taken and returned in the respective cities or towns wherein such machinery may be situated or employed: and *provided, further*, that, in taking and returning the shares in any manufacturing corporation, there shall first be deducted therefrom the value of the machinery and real estate belonging to such corporation.

And the said assessors, in making the said lists, shall distinguish the different improvements of land, and return the lists in the following manner, viz.: the whole number of acres of land in the town, from actual survey; the number of acres of tillage land; the number of acres of orcharding of all kinds of fruits; the number of acres of English upland and fresh meadow mowing lands, with the tons of hay, of each sort, annually produced therefrom; the number of acres of salt marsh, with the tons of hay annually produced therefrom; the number of acres of pasture land; the number of acres of woodland of every sort, unimproved land, unimprovable land, and lands belonging to any town or other proprietary; and the number of acres used for roads, and covered with water, according to the best estimation of the assessors—excepting all the estates belonging to Harvard, Williams, Amherst, and Tufts Colleges, and to incorporated theological institutions and academies, and also the estate belonging to the Massachusetts General Hospital, and improved for the purposes of that institution: *provided, always*, that the produce of lands above enumerated shall not be taken into consideration, in forming a state valuation, for any other purpose than for ascertaining the relative value of such lands in the various parts of the Commonwealth.

And the said assessors shall cause all the columns on each sheet of the several items contained in the lists to be carefully cast up, footed, and carried forward, so as to present the sum total under each head of said lists; and the lists of the polls and ratable estates, to be taken as aforesaid, shall be taken as of the first day of May.

SECTION 2. The assessors shall accompany the lists of property required to be returned by the foregoing section,

Land.

Agricultural products.

Woodlands.

Time of taking lists.

Descriptions of property to accompany lists.

with a full and accurate description of the character and value of the “shops within or adjoining to dwelling-houses,” “other shops,” “steam and other mills,” and “unimproved land,” and also, of the buildings and edifices of the value of twenty dollars and upwards, and of one hundred dollars value and upwards: and they shall also set forth all the property belonging to the town in its corporate capacity, whether buildings or land, stating the purposes for which the buildings are used, and the income thereof, and the quantity and character of the land, and the income thereof, and also the value of said property.

Oath of assessors.

SECTION 3. The said assessors, before they enter on this work, shall take the following oath or affirmation, viz.: You, A B, being chosen an assessor for the year one thousand eight hundred and sixty, do swear (or affirm) that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this Commonwealth, entitled “An Act to ascertain the ratable estate within this Commonwealth,” without favor or prejudice. So help you, God. Which oath or affirmation may be administered by such officers as are now authorized by law to administer the usual oaths to town officers; and a certificate of its administration shall accompany the returns of the assessors. And each and every assessor shall be allowed, by the city or town to which he belongs, the sum of two dollars for every day which he shall be necessarily employed in doing the duties enjoined by this act.

How administered.

Compensation of assessors.

Penalties for neglect or refusal, on part of assessors.

SECTION 4. If any assessor of any city or town within this Commonwealth, for the year aforesaid, shall refuse to take such oath or affirmation, or, having taken the same, shall neglect or refuse to do or perform all the duties required by this act, or shall act in any way fraudulently or deceitfully therein, he shall, for each of those offences, forfeit and pay a fine of not less than one hundred dollars, nor more than two thousand dollars, at the discretion of the court before whom trial shall be had. And every person liable to be taxed, and not out of this Commonwealth on and from the first day of May next, to the first day of June next, who shall refuse or wilfully neglect to give the assessors, in writing, and on oath or affirmation, if required, (which oath or affirmation the said assessors are hereby respectively empowered to administer,) a true account of all his or her ratable estate, according to the true intent and meaning of this act, shall be doomed by the said assessors, according to their best skill and judgment, to the full amount of his or her ratable estate; and the oath last mentioned shall be in the

Penalty and oath required of property holders.

following form, viz.: You, C D, do swear (or affirm) that all your ratable estate, conformably to this list here shown by you, doth not exceed this account by you now exhibited, according to your best knowledge and judgment. So help you, God:—*provided, nevertheless*, that every person conscientiously scrupulous of taking an oath in the form required by law, who shall be required to take either of the oaths aforesaid, shall be excused therefrom, upon solemnly and sincerely affirming the truth of the declaration therein contained, under the pains and penalties of perjury.

Proviso.

SECTION 5. The secretary of the Commonwealth shall furnish the assessors of each city and town with a copy of this act, within ten days of its approval by the governor; and he shall cause to be printed blank tables, with columns headed with appropriate denominations, for the returns of the particulars indicated in this act, and shall furnish a sufficient number of copies thereof to the assessors of each city and town, on or before the second day of April.

Copies and blanks to be furnished to assessors.

SECTION 6. The assessors of each city and town in this Commonwealth, for the year one thousand eight hundred and sixty, shall, on or before the first day of September, transmit to the secretary's office a true and attested copy of the valuation by which the town and county taxes were made in their respective cities and towns for the year one thousand eight hundred and fifty-nine; and said copy shall embrace a full inventory or list of all the items of property so valued.

Valuation of 1859 to be forwarded to secretary's office.

SECTION 7. All fines and forfeitures arising by this act may be recovered in the supreme judicial court of this Commonwealth, by information filed in said court by the attorney-general: and the secretary is hereby required to furnish the attorney-general with a list of the cities and towns, the assessors of which shall neglect to lodge in his office a list of the polls and estates, agreeably to the provisions of this act, to the end that they may be prosecuted at the discretion of said officer.

Of fines and forfeitures.

SECTION 8. The following shall be the form of the lists for the state valuation for the year one thousand eight hundred and sixty, viz.:

Form of lists for valuation of 1860.

A list of the polls and estates, real and personal, of the several proprietors and inhabitants of ———, in the county of ———, taken pursuant to an act passed the twentieth day of March, in the year one thousand eight hundred and sixty, entitled "An Act to ascertain the ratable estate within this Commonwealth," by the subscribers, assessors of the said town of ———, duly elected and sworn:

Number of polls ratable, twenty years old and upwards.

Number of male polls, not taxed nor supported by the town.

- Number of male polls supported by the town.
- Number of dwelling-houses.
- Number of shops within or adjoining to dwelling-houses.
- Number of other shops.
- Number of warehouses and stores.
- Number of distil houses.
- Number of breweries.
- Number of tanneries and other manufactories of leather.
- Number of rope-walks.
- Number of barns.
- Number of grist-mills.
- Number of saw-mills.
- Number of steam and other mills, not above enumerated.
- Number of cotton factories.
- Number of spindles in the same.
- Number of looms in the same.
- Number of woollen factories.
- Number of sets of cards in the same.
- Number of linen factories.
- Number of spindles in the same.
- Number of looms in the same.
- Number of establishments for printing silks and calicoes.
- Number of bleacheries.
- Number of paper mills.
- Number of card factories.
- Number of boot factories.
- Number of shoe factories.
- Number of boot and shoe factories.
- Number of India rubber factories.
- Number of carriage and car factories.
- Number of piano-forte factories.
- Number of sewing machine factories.
- Number of chair factories.
- Number of pail and tub factories.
- Number of other wooden ware factories.
- Number of oil factories of all kinds.
- Number of glass factories.
- Number of rolling mills.
- Number of furnaces and forges.
- Number of iron, brass and other foundries.
- Number of ore beds, with their furnaces.
- Number of machine shops.
- Number of tool factories.
- Number of small arm factories.
- Number of nail and tack machines.
- Number of scythe and axe factories.
- Number of other manufactories of iron, copper, brass and other metals.
- Number of all other works and buildings, between twenty dollars and one hundred dollars value.
- Number of all other works and buildings, of more than one hundred dollars value.
- Number of superficial feet of wharf.
- Number of tons of vessels of five tons burden and upwards.
- Value of rights to take ice from ponds, as merchandise.
- Amount of every person's whole stock in trade, &c.
- Amount of money at interest, more than any creditor pays interest for, including United States and state securities.

Amount of money on hand, including deposits in any bank, &c.
 Amount of stock held by stockholders in any bank or insurance company.
 Number of shares in toll bridges, canals, railroads, with their value.
 Number of shares in any other incorporated company, possessing taxable property, with their value.
 Number of ounces of plate of all kinds, exceeding twenty dollars in value.
 Number of acres of land annually tilled, excluding orchards tilled.
 Number of acres of orcharding of all kinds of fruits.
 Number of acres of upland mowing, excluding orcharding mowed.
 Number of tons of hay, the yearly produce of the same.
 Number of acres of orcharding mowed.
 Number of tons of hay, the yearly produce of the same.
 Number of acres of fresh meadow.
 Number of tons of hay, the yearly produce of the same.
 Number of acres of salt marsh.
 Number of tons of hay, the annual produce of the same.
 Number of acres of pasture land, excluding orcharding pastured.
 Number of acres of woodland, exclusive of pasture land inclosed, with the number of cords of wood per acre, the present year.
 Number of acres of unimproved land.
 Number of acres of land unimprovable.
 Number of acres of land owned by any town or other proprietary.
 Number of acres of land used for roads.
 Number of acres of land covered with water.
 Whole number of acres of land in the town, from actual survey.
 Number of horses, one year old and upwards.
 Number of mules and asses, one year old and upwards.
 Number of oxen, four years old and upwards.
 Number of cows, three years old and upwards.
 Number of steers and heifers, one year old and upwards.
 Number of sheep, six months old and upwards.
 Number of swine, six months old and upwards.
 Value and description of all other ratable estate not before enumerated.
 Amount of real estates doomed.
 Amount of personal estates doomed.

Cotton Factories.			Woollen Factories.		Linen Factories.			Shares in any Toll Bridge, Canal, or Railroad, and the value of such shares.		Shares in any other Incorporated Com- pany, or Company organized under the general laws, pos- sessing taxable prop- erty, and the value of such shares.	
Number.	Spindles.	Looms.	Number.	Sets of Cards.	Number.	Spindles.	Looms.	Number.	Value.	Number.	Value.

Approved March 20, 1860.

Chap. 86. AN ACT AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO LAY OUT PATUCKET BRIDGE AS A PUBLIC HIGHWAY.

Be it enacted, &c., as follows :

County commis-
sioners to lay out
bridge.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and empowered to lay out, as and for a highway, the bridge over Merrimac River, at Patucket Falls, between Dracut and Lowell, called Patucket Bridge, in the manner now provided by law for laying out highways.

Damages.

SECTION 2. All damages which shall be sustained by the proprietors of Patucket Bridge, and by all others, by such laying out, shall be awarded and paid in the same manner as is now provided by law for the assessment and payment of damages occasioned by the laying out of highways.

Lowell and Dra-
cut may con-
tribute, &c.

SECTION 3. The city of Lowell and town of Dracut, or either of them, may contribute to the county of Middlesex, toward the payment of the damages that may be awarded to the proprietors of Patucket Bridge aforesaid, such proportion of said damages, or such sums as they may see fit, and may make agreements with the county commissioners as to the amount or proportion, and as to the manner of payment thereof; and they may make such agreements, either before or after such damages are awarded.

Rights of pro-
prietors of locks
and canals.

SECTION 4. Nothing herein contained shall be so construed as to authorize the county commissioners, in laying out said bridge as a highway as aforesaid, to divest or take away the right of the proprietors of the locks and canals on Merrimac River to use that part of said bridge, and the basement and substructure thereof, which was erected by them, in the manner and for the purpose such part of said bridge and the basement and substructure thereof are now used or authorized to be used by them, under an indenture made by and between the said proprietors of Patucket Bridge and said proprietors of the Locks and Canals on Merrimac River, on the eighteenth day of November, in the year eighteen hundred and forty-six, and recorded in the Middlesex registry of deeds, book four hundred and ninety-three, page four hundred and ninety-seven.

Re-imbursement
to city of Lowell
by proprietors of
locks and canals.

SECTION 5. In the event said bridge shall be laid out by the county commissioners as and for a highway, as provided, all sums which the city of Lowell shall expend in and for the necessary repair of that part of said bridge which was erected by the said proprietors of the Locks and Canals on Merrimac River, under said indenture with said proprietors of Patucket Bridge, shall be re-imbursed to said city by said proprietors of the Locks and Canals on Merrimac River.

Approved March 20, 1860.

AN ACT TO INCORPORATE THE BAY STATE FIRE INSURANCE COMPANY.

Chap. 87.

Be it enacted, &c., as follows :

SECTION 1. Calvin Foster, Francis H. Dewey, and Charles L. Putnam, their associates and successors, are hereby made a corporation by the name of the Bay State Fire Insurance Company, to be located in the city of Worcester, for the purpose of making insurance against losses by fire ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth, sixtieth and sixth-eighth chapters of the General Statutes, passed on the twenty-eighth day of December, eighteen hundred and fifty-nine, and all other laws that may hereafter be in force relative to insurance companies.

SECTION 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding three hundred thousand dollars ; and said company may issue policies whenever one hundred thousand dollars of the capital stock shall be paid in.

Approved March 20, 1860.

AN ACT TO ABOLISH THE OFFICE OF CLERK OF THE POLICE COURT IN THE TOWN OF MILFORD.

Chap. 88.

Be it enacted, &c., as follows :

SECTION 1. The office of clerk of the police court of the town of Milford is hereby abolished.

SECTION 2. This act shall take effect on the first day of June next.

Approved March 20, 1860.

AN ACT TO REGULATE THE FISHERY IN THE AGAWAM AND HALF-WAY POND RIVERS.

Chap. 89.

Be it enacted, &c., as follows :

SECTION 1. The town of Plymouth at its annual meeting in the month of March or April, and the town of Wareham at its annual meeting in the month of November of each year, shall choose by ballot a committee of not more than three persons each, who shall be sworn to the faithful discharge of their duties, in the manner of other town officers ; which committee shall, in the month of March, annually, after a public notice of at least ten days, sell at public auction the privilege of taking the fish called alewives and shad, in the Agawam and Half-way Pond Rivers, in the county of Plymouth, at such places, not exceeding two in said towns, and on such days, not exceeding three in each week, as said committee shall agree upon and publish in their notice of sale ; they shall also express in said notice

the manner of taking and disposing of said fish, and the price at which the purchasers may sell them, which price shall not exceed twenty-five cents per hundred for alewives, and four cents each for shad: *provided, nevertheless*, that said committee may fix upon one place in the town of Wareham, and one day in each week for taking shad, different from the place and day of the week appointed for taking alewives.

Committee meet-
ings to be notified

SECTION 2. The committee of the town of Plymouth, the first year after the passage of this act, and the committee of the town of Wareham, the second year, and so on alternately, forever, shall notify the town clerk of the other town concerned in said fishery, of the time and place in which said committee shall meet, ten days at least before the time of meeting; and the members of the committee present at said meeting shall constitute a quorum for doing business.

Forfeitures.

SECTION 3. If either of said towns neglects to choose its committee as aforesaid, or if the committee of either town neglects to give notice, as above required, to the other, said town so neglecting shall forfeit and pay to the use of the other which chooses such committee, or whose committee gives such notice, for each neglect, the sum of one hundred dollars.

Penalties for tres-
pass.

SECTION 4. All persons except the purchasers as aforesaid, or those employed by them, who take any of said fish in said rivers, or in any pond or stream having communication therewith, between the first day of April and the fifteenth day of June, both inclusive, in each year, shall forfeit and pay not less than five dollars, nor more than fifty dollars for each and every offence.

Of owners of
dams.

Their duties.

SECTION 5. The owner or occupier of any dam on said rivers, shall annually, between the fifteenth day of April and the fifteenth day of June next following, for such term of time, and in such manner as said committee directs, open a sufficient passage for said fish through said dam; and on failure of opening such passage, or of continuing the same open as aforesaid, shall forfeit and pay the sum of one hundred dollars; and said committee may open such dam, when neglected as aforesaid, at the expense of the proprietor thereof: *provided*, no more damage is thereby done the owner than is necessary to effect said purpose.

Penalty.

Proviso.

Weirs and ob-
structions pro-
hibited at cer-
tain times.

SECTION 6. If any person makes any weir, or causes any obstruction to the free passage of said fish up said rivers, or makes use of any seine to take said fish in said rivers, or takes any of said fish in said rivers or in any pond or stream

communicating with the same, in any other manner, or at any other time or place than such as may be approved and established by said committee, between the fifteenth day of April, and the fifteenth day of June as aforesaid, he shall forfeit and pay not less than five dollars, nor more than fifty dollars, for each and every offence; and said committee shall remove such weir or obstruction at the expense of the person causing the same, and also seize, to the use and disposal of said towns, any seine used as aforesaid, and make complaint to the town treasurer of either of the towns aforesaid, of any violation of this act that shall come to their knowledge.

Penalties.

SECTION 7. The treasurers of the aforesaid towns, respectively, shall, upon the complaint of any member of the committees aforesaid, sue for the recovery of any forfeitures incurred by a breach of any of the regulations provided in this act, and of any such further regulations as may be provided and established by said committees, in conformity to this act; and all fines and forfeitures recovered for any breaches aforesaid, except such as are provided in the third section of this act, shall, together with the proceeds of said fishery, be equally divided between said towns; and all the expenses attending said suits shall in like manner be equally borne by them. And the treasurers aforesaid, respectively, shall, in behalf of their respective towns, recover by an action on the case, of any person or corporation withholding the same, one-half part thereof, in any court proper to try said action.

How recovered, &c.

Fines and forfeitures.

SECTION 8. The purchasers of the privilege of taking said fish shall, in all respects, conform themselves to such regulations and conditions as said committees shall publish, as aforesaid; and on failure thereof, shall forfeit and pay, for each offence, a sum not less than five dollars, nor more than fifty dollars, to be recovered in any court of proper jurisdiction.

Purchasers of fish rights.

SECTION 9. Any member of the committees aforesaid may be admitted as a competent witness in any prosecution for a breach of any regulation as aforesaid.

Of witnesses.

SECTION 10. The committee chosen in said town of Plymouth either in the months of March or April last, and the committee chosen by said town of Wareham in the month of November last, for regulating the taking of alewives in said rivers, agreeably to the provisions of the act then existing for that purpose, shall perform all the duties for the present year that are required of committees hereafter to be chosen under the provisions of this act; and they, as also committees hereafter chosen for the purposes contemplated by

Of committees.

Their duties and compensation.

this act, shall receive out of the proceeds of said fishery, one dollar and twenty-five cents each for every day's service they may be actually engaged in performing the duties herein required of them.

SECTION 11. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved March 20, 1860.

Chap. 90. AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PEOPLE'S MUTUAL FIRE INSURANCE COMPANY, IN WORCESTER.

Be it enacted, &c., as follows :

Increase of capital authorized.

SECTION 1. The People's Mutual Fire Insurance Company, established in Worcester, may increase its capital stock to an amount not exceeding three hundred thousand dollars, at any time within two years from the passage of this act: *provided*, the mutual department of said company shall be abolished.

Proviso.

Act void unless accepted, &c.

SECTION 2. This act shall take effect when the same is accepted by the aforesaid corporation, and all the holders of guarantee capital agree in writing to accept the same, and their agreement is copied upon the records of the corporation, and filed in the office of secretary of the Commonwealth.

Of the mutual department.

SECTION 3. The company may, at any time, abolish the mutual department by a majority vote of its members; after which, all insurance made by this company, shall be on the stock plan, and subject to the restrictions and provisions of the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, in the year one thousand eight hundred and fifty-nine.

Change of name.

SECTION 4. When the foregoing conditions and provisions are accepted by the aforesaid corporation, its name shall be changed from the People's Mutual Fire Insurance Company to that of the People's Fire Insurance Company.

SECTION 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

Approved March 20, 1860.

Chap. 91. AN ACT TO INCORPORATE THE NINE MILE POND FISHING COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Nelson Scudder, Daniel Scudder, Walter Chipman, Elijah Sears, their associates and successors, are hereby made a corporation by the name of the Nine Mile Pond Fishing Company, for the purpose of opening a canal or outlet from Nine Mile Pond, in Barnstable, and from Long Pond to tide-water, and maintaining the same; and for that purpose are empowered to open such canal or out-

Title.

Purpose.

Location.

Powers.

let, and to continue the same in such manner as to said corporation shall seem fit and proper; and they shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and the sixty-eighth chapter of the General Statutes. Duties, &c.

SECTION 2. Any herring fishery which may be created in the canal or outlet, or the ponds aforesaid, by opening the same, or which may hereafter exist therein, shall be the property of said corporation; and if any person, without the permission of said corporation, shall take, catch, kill, or haul on shore any herrings in said canal or outlet, or in the ponds aforesaid, he shall forfeit and pay, for the use of said corporation, a sum not less than three dollars, if the quantity so taken, killed, caught, or hauled on shore be less than one barrel; but if the quantity so taken, killed, caught, or hauled on shore, shall be more than one barrel, he shall forfeit and pay, for each barrel of herring so taken, and for each fraction of a barrel, the sum of five dollars, to be recovered by an action of tort in the name of said corporation, in any court of competent jurisdiction. Fisheries.
Trespassers.
Penalties.
How recovered.

SECTION 3. Nothing herein contained shall authorize the said company to take or use the private property of any person without his consent; and any proprietor of lands adjoining said canal or outlet, may become a member of said corporation, if application be made therefor within six months from the time of the organization of said company under this act, by paying a due proportion of all expenses incurred by said corporation before the time of their admission. Of private property.
Of membership.

SECTION 4. If any person not a member of said corporation shall receive damage in his lands or estate, in consequence of the opening of said canal or outlet, or in consequence of the draining of said ponds or otherwise, and the parties in interest failing to adjust said damages, the party aggrieved may apply to the county commissioners of the county of Barnstable, who are hereby authorized to determine and assess the same; and either party may appeal from the decision of said commissioners, to the superior court of the county of Barnstable, and have a trial by jury in said court. Damages.
How determined and assessed.

SECTION 5. The said corporation, for the purposes herein set forth, and for maintaining and carrying on the fishery aforesaid, may hold real estate not exceeding two thousand dollars in value over and above the right of fishery named in the second section of this act. Real estate.

Capital. SECTION 6. The capital stock of said corporation shall be
 Shares. one thousand dollars, represented by one hundred shares of
 Increase. ten dollars each, with the right to increase the same to three
 thousand dollars, by vote of said corporation.

Of other fishing rights. SECTION 7. Nothing herein contained shall give the cor-
 poration rights and privileges in any fishery now existing in
 said ponds, over and above other citizens of the town of
 Barnstable; and this act shall be void unless approved by
 Act void unless accepted, &c. of the town aforesaid, at a public town meeting, by a majority
 of the voters present and voting thereon.

SECTION 8. This act shall take effect from its passage.

Approved March 20, 1860.

Chap. 92. AN ACT RELATING TO THE COMPENSATION OF JAILERS AND MASTERS
 OF HOUSES OF CORRECTION.

Be it enacted, &c., as follows:

Additional com- SECTION 1. Any sheriff who personally performs the
 pensation to sher- duties of jailer or master of the house of correction, may
 iffs in certain receive, in addition to his salary as sheriff, the compensation
 cases. established by the provisions of section twenty-two of chapter
 one hundred and seventy-eight of the General Statutes,
 Proviso. passed on the twenty-eighth day of December, in the year
 one thousand eight hundred and fifty-nine: *provided*, that
 in no such case shall such compensation exceed one thousand
 dollars per year.

Repealing sec- SECTION 2. Laws inconsistent herewith are hereby re-
 tion. pealed.

SECTION 3. This act shall take effect on the second day
 of June next.

Approved March 20, 1860.

Chap. 93. AN ACT AUTHORIZING THE PAYMENT OF A SALARY TO THE REGISTER
 OF DEEDS FOR DUKES COUNTY.

Be it enacted, &c., as follows:

County commis- That the county commissioners of the county of Dukes
 sioners to pay county be authorized to pay the register of deeds of said
 said salary in ad- county an annual salary of not more than one hundred
 dition, &c. dollars, the same to be in addition to his fees as now provided
 by law; said sum to be paid from the treasury of the county
 of Dukes county.

Approved March 20, 1860.

Chap. 94. AN ACT TO AUTHORIZE THE NEWTON AND WATERTOWN GAS LIGHT
 COMPANY TO EXTEND THEIR PIPES INTO THE TOWN OF BRIGHTON.

Be it enacted, &c., as follows:

Extension of SECTION 1. The Newton and Watertown Gas Light Com-
 pipes, &c. pany are hereby authorized to extend their pipes for the pur-
 pose of conducting into, and selling gas in the town of
 Brighton.

SECTION 2. Said corporation, with the consent of the selectmen of the town of Brighton, shall have power and authority to open the ground in any part of the streets, lanes and highways of said town for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes or highways, shall be held to put the same into repair under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of the said town, for the time being, shall at all times have power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said town: *provided*, said company shall not be authorized to lay gas pipes in any streets where authority to lay such pipes has been previously granted by the selectmen of the town of Brighton, to any other company.

Opening ground to sink pipes, &c.

Repairs of highways.

Proviso.

Proviso.

SECTION 3. This act shall take effect from its passage.

Approved March 20, 1860.

AN ACT IN RELATION TO THE TOWNS OF LEXINGTON AND WEST CAMBRIDGE.

Chap. 95.

Be it enacted, &c., as follows:

SECTION 1. The towns of Lexington and West Cambridge are hereby released and exempted from all obligation to pay any portion of any charge that may hereafter arise from rebuilding, repairing, or in any way supporting or maintaining the bridge over Charles River, between the city of Cambridge and the town of Brighton, formerly known as the Great Bridge; any thing in the acts incorporating said towns, and in any other act in relation to said bridge, or the support thereof, to the contrary notwithstanding.

Lexington and West Cambridge exempted from support of Great Bridge.

SECTION 2. The commissioners for the county of Middlesex are hereby authorized and empowered to lay out the Great Bridge, so called, between Cambridge and Brighton, as a public highway.

County commissioners to lay out said bridge.

Approved March 24, 1860.

AN ACT IN ADDITION TO "AN ACT TO ESTABLISH THE CITY OF WORCESTER."

Chap. 96.

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Worcester shall, in the month of March or April, in the year eighteen hundred and sixty, elect by joint ballot, in convention, three persons to be assessors of taxes; the person first chosen to hold office for three years, the person next chosen to hold office for two years, and the person last chosen to hold office

City council to elect assessors of taxes.

for one year, from said election; and said council shall in like manner, in the month of February or March, in each succeeding year, elect a member of said board, who shall hold office for the term of three years from his election.

Of vacancies.

SECTION 2. In case of a vacancy in said board of assessors, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another assessor in the manner aforesaid, who shall hold his office for the unexpired term for which the member in whose place he shall be elected would have held the same.

Repeal.

SECTION 3. So much of the provisions of the eighth section of "An Act to establish the city of Worcester," as relates to the election of assessors and fixing their compensation, is hereby repealed.

SECTION 4. This act shall take effect from and after its acceptance by the city council of said city.

Approved March 24, 1860.

Chap. 97. AN ACT TO AUTHORIZE CHARLES H. EDWARDS TO CONSTRUCT A MARINE RAILWAY.

Be it enacted, &c., as follows :

Location.

Extent.

Proviso.

Charles H. Edwards is hereby authorized to construct and maintain a marine railway in Wellfleet Harbor. The said railway shall be located on and adjoining the east side of "Commercial Wharf," and shall not extend beyond the outer end of said wharf: *provided*, this grant shall in no wise impair the legal rights of any person.

Approved March 26, 1860.

Chap. 98. AN ACT TO AUTHORIZE EDWARD KIMBALL AND NAHUM PERKINS TO EXTEND A WHARF AT NEWBURYPORT.

Be it enacted, &c., as follows :

Coombs wharf.

Limit.

Rights.

Proviso.

Edward Kimball and Nahum Perkins are hereby authorized to extend upon piles the Coombs wharf, so called, in the city of Newburyport, sixty feet into Merrimac River; and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall not impair the legal rights of any person or corporation whatever. *Approved March 26, 1860.*

Chap. 99. AN ACT TO AUTHORIZE ANDREW W. DODD AND OTHERS, OF GLOUCESTER, TO EXTEND THEIR TWO MARINE RAILWAYS.

Be it enacted, &c., as follows :

Limit.

Andrew W. Dodd, Stephen Dodd and James G. Tarr, of Gloucester, in the county of Essex, are hereby authorized to build, maintain and extend the two marine railways now owned by them to a distance of three hundred feet, from

high-water mark into Smith's Cove, so called, in Gloucester harbor, in a south-easterly direction, and on a line with that part of the aforesaid railways already constructed: *pro- Direction. Proviso.*
vided, however, that this act shall in no wise impair the legal rights of any other person. *Approved March 26, 1860.*

AN ACT CONCERNING THE SALARIES OF THE CLERK AND SECOND ASSISTANT CLERK OF THE POLICE COURT OF THE CITY OF BOSTON.

Chap. 100

Be it enacted, &c., as follows :

SECTION 1. The clerk of the police court of the city of Boston shall receive an annual salary of two thousand dollars, and the second assistant clerk of said court shall receive an annual salary of fifteen hundred dollars, from the treasury of the Commonwealth. *Salary of clerk. Of second ass't.*

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed. *Repeal.*

SECTION 3. This act shall take effect on the second day of June next. *Approved March 26, 1860.*

AN ACT RELATING TO THE COMPENSATION OF SUPERINTENDENTS OF PUBLIC SCHOOLS.

Chap. 101

Be it enacted, &c., as follows :

SECTION 1. The compensation of superintendents of public schools, provided for in the thirty-fifth section of the thirty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, shall in no case be less than one dollar and fifty cents for each day of actual service. *Compensation per day for actual service.*

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

AN ACT TO INCORPORATE THE PEMBERTON COMPANY.

Chap. 102

Be it enacted, &c., as follows :

SECTION 1. David Nevins, George Blackburn, Eben Sutton, their associates, successors and assigns, are hereby made a corporation by the name of the Pemberton Company, for the purpose of manufacturing cotton, woollen, linen and silk cloth and yarn, in the city of Lawrence, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, the two hundred and seventy-sixth chapter of the acts of the year eighteen hundred and fifty-seven, and all acts passed subsequent thereto, relating to manufacturing corporations. *Corporators. Title. Purpose. Location. Powers, duties, &c.*

Real estate. SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of four hundred thousand dollars; and the whole capital stock of said corporation shall not exceed seven hundred thousand dollars, in Capital. shares of one hundred dollars each; and no shares of said Shares, par value of. corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECTION 3. This act shall take effect from its passage.

Approved March 26, 1860.

Chap. 103 AN ACT TO REGULATE THE TRANSPORTATION OF GUNPOWDER WITHIN AND THROUGH THE CITY OF CAMBRIDGE.

Be it enacted, &c., as follows:

City council to make regulations SECTION 1. The city council of the city of Cambridge are hereby authorized to make and establish by-laws and ordinances, from time to time, relative to the times and places at which gunpowder may be brought to or carried from said city, by land or by water; the times when and the manner in which the same may be transported through said city; to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through said city; to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the transportation thereof to, from, and through said city; and to annex to such by-laws and ordinances suitable penalties, not exceeding one hundred dollars, for any one breach thereof.

Penalties. SECTION 2. It shall be the duty of the city council of said city to cause all such by-laws and ordinances, as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the county of Middlesex, two weeks successively, for the information and government of all persons concerned.

Publication of by-laws, &c. SECTION 3. This act shall take effect from its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 26, 1860.

Chap. 104 AN ACT RELATING TO THE TOWN OF ROCKPORT.

Be it enacted, &c., as follows:

Certain elections legalized. SECTION 1. All votes, proceedings and elections, had at any meetings of the inhabitants of the town of Rockport, held in the month of February in this or any former year, shall have the same effect as if said meetings had been held in the month of March or April.

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

AN ACT CONCERNING THE PROVIDENCE AND WORCESTER RAILROAD COMPANY, AND THE WORCESTER AND NASHUA RAILROAD COMPANY.

Chap. 105

Be it enacted, &c., as follows:

SECTION 1. The Providence and Worcester Railroad Company is hereby authorized to enter with its road upon, unite the same with, and use the road of the Worcester and Nashua Railroad Company.

Union of railroads authorized,

SECTION 2. The Worcester and Nashua Railroad Company is hereby authorized to enter with its road upon, unite the same with, and use the road of the Providence and Worcester Railroad Company.

Interchangeably.

SECTION 3. Nothing in this act contained shall empower either of said corporations to make any new location of any portions of their respective railroads.

Restriction as to new locations.

SECTION 4. Nothing in this act contained shall create any new right to cross, or use any part of the lands, or tracks, of the Boston and Worcester Railroad Corporation, or enlarge, or restrict, any rights which either of said companies may now have to cross or use said lands or tracks.

Further restrictions.

SECTION 5. This act shall take effect from its passage.

Approved March 26, 1860.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE UNION STEAMSHIP COMPANY.

Chap. 106

Be it enacted, &c., as follows:

SECTION 1. The steam-ships of the Union Steam-ship Company, whether owned or chartered by said company, may touch at, and ply to and from any port or ports in Cuba, and any port or ports authorized by section second of the original act incorporating said company.

Routes of steamships.

SECTION 2. Said company may hold personal property to the amount of seven hundred thousand dollars.

Personal property.

SECTION 3. Said company shall be allowed nine months from the passage of this act, for its organization and the collection of the assessment or assessments, as provided in the original act of incorporation.

Time for organization, &c.

SECTION 4. This act shall take effect from and after its passage.

Approved March 26, 1860.

AN ACT TO INCORPORATE THE HOLYOKE MILLS.

Chap. 107

Be it enacted, &c., as follows:

SECTION 1. John Chase, N. P. Williston, Alvin Smith, James Goodwin, George M. Bartholomew, Alfred Smith, their associates and successors, are hereby made a corporation by the name of the Holyoke Mills, for the purpose of manufacturing cotton and woollen goods, and also tools, machinery and metal work, in Holyoke, in the county of

Corporators.

Title.

Purpose.

Location.

Power of lease. Hampden; and said corporation shall also have power to lease to others shop-room, tools, machinery and tenements, Rights, duties, for like or other manufacturing purposes, and shall have all &c. the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Capital. SECTION 2. The capital stock of said corporation shall Shares. not exceed the sum of seven hundred thousand dollars, in Real estate. shares of one hundred dollars each; and it may hold real estate to the amount of four hundred thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 26, 1860.

Chap. 108 AN ACT TO AUTHORIZE SAMUEL SOPER TO EXTEND AND MAINTAIN A WHARF.

Be it enacted, &c., as follows:

Limit of extension. Samuel Soper, proprietor of a wharf in Provincetown, is hereby authorized to maintain said wharf, and to extend the same upon his own premises, not exceeding eight hundred Rights. feet, into Provincetown Harbor; and he shall have the right to lay vessels at the end and sides of said wharf, and receive Proviso. wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any other person.

Approved March 26, 1860.

Chap. 109 AN ACT TO AMEND "AN ACT TO PREVENT LIVERY STABLES FROM BEING ERECTED IN CERTAIN PLACES IN THE TOWN OF BOSTON."

Be it enacted, &c., as follows:

Amendment to chapter 124, acts of 1811. SECTION 1. The first section of the one hundred and twenty-fourth chapter of the statutes of the year eighteen hundred and ten, passed on the eleventh day of February, in the year eighteen hundred and eleven, is hereby amended by inserting after the word "God" the following words, to wit: "without the consent in writing of the proprietors of such church or meeting-house, or of the religious society or parish worshipping therein, and the consent of the mayor and aldermen of the city of Boston."

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

Chap. 110 AN ACT TO AUTHORIZE MICHAEL WALEN, JR., AND OTHERS TO BUILD A WHARF IN GLOUCESTER.

Be it enacted, &c., as follows:

Limit. Michael Walen, Jr., Alfred Walen, and Christen Nelson, of Gloucester, in the county of Essex, are hereby author-

ized to build and maintain a wharf, not to exceed one hundred and fifty feet from high-water mark, on their land on "Rocky Neck," so called, and running into Smith's Cove, so called, in Gloucester harbor, in a south-easterly direction; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in nowise impair the legal rights of any person.

Location.
Direction.
Rights.
Proviso.

Approved March 26, 1860.

AN ACT TO AUTHORIZE THE MOUNT HOPE IRON COMPANY TO BUILD A WHARF, AND TO EXTEND THEIR WHARF. Chap. 111

Be it enacted §c., as follows:

SECTION 1. The Mount Hope Iron Company are hereby authorized to build and maintain a wharf, one hundred and fifty feet in width, extending from the line of high-water mark, of their lot of land, situated in the village of Somerset, and adjoining the land of Daniel B. Eddy, to the channel of Taunton River; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor.

Width of wharf.
Location.
Rights.

SECTION 2. Said Mount Hope Iron Company are further authorized to extend their wharf, situated in the southerly part of the village of Somerset, southerly, to the channel of Taunton River, and westerly, on the flats, five hundred feet: *provided, however*, that these grants shall in nowise impair the legal rights of any person or corporation.

Right to extend.
Direction.
Limit.
Proviso.

Approved March 26, 1860.

AN ACT TO AUTHORIZE GEORGE STEELE, JR., TO EXTEND HIS WHARF IN GLOUCESTER. Chap. 112

Be it enacted, §c., as follows:

George Steele, Jr., proprietor of a wharf in Gloucester, is hereby authorized to extend and maintain said wharf a distance not exceeding one hundred and twenty feet in length by twenty-two feet in width, in a south-easterly direction towards the channel, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Limits.
Direction.
Rights.
Proviso.

Approved March 26, 1860.

AN ACT AUTHORIZING THE COMMISSIONERS FOR THE COUNTY OF BRISTOL TO LAY OUT A ROAD, AND CONSTRUCT A BRIDGE ACROSS TAUNTON GREAT RIVER, IN THE TOWN OF TAUNTON. Chap. 113

Be it enacted, §c., as follows:

SECTION 1. The county commissioners for the county of Bristol are hereby empowered, if in their opinion the public

Highway and bridge authorized.

Limits of highway. convenience and necessity require it, to lay out a highway, and cause to be constructed a suitable and sufficient bridge over Taunton Great River ; said bridge shall be constructed not less than forty feet between the abutments, and twelve feet above the water at full tide ; said highway to commence at a point on Williams Street, so called, in said Taunton, near the dwelling-house of Blaney O. Godfrey, and to extend to Dean Street, so called, in said Taunton, terminating near the dwelling-house of Andrew H. Hall : and said commissioners in carrying into effect the provisions of this act, shall in all respects conform to the existing laws, relating to laying out highways.

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

Chap. 114 AN ACT TO EXTEND EASTERN WHARF IN THE HARBOR OF GLOUCESTER.
Be it enacted, &c., as follows :

Limits and direction. John W. Lowe and Edward G. Nickerson, proprietors of a wharf known as Eastern Wharf, in Gloucester Harbor, are hereby authorized to extend and maintain said wharf, in its present width, sixty feet southerly and easterly into the said harbor ; and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however,* that this grant shall in no wise impair the legal rights of any person.

Rights.

Proviso.

Approved March 26, 1860.

Chap. 115 AN ACT TO INCORPORATE THE CITIZENS' BUILDING ASSOCIATION.
Be it enacted, &c., as follows :

Corporators. SECTION 1. John H. Clifford, William J. Rotch, Charles Almy, their associates and successors, are hereby made a corporation by the name of the Citizens' Building Association, for the purpose of buying a lot of land at the intersection of Purchase and William Streets, in the city of New Bedford, and of erecting and maintaining thereon buildings necessary and convenient for a public hall and for other business purposes ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, in the year one thousand eight hundred and fifty-nine.

Purpose.

Location.

Powers, duties, &c.

Capital. SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars ; the Shares. same to be divided into shares of one hundred dollars each.

Approved March 26, 1860.

AN ACT TO AUTHORIZE JOHN F. WONSON TO BUILD A WHARF IN GLOUCESTER. *Chap. 116**Be it enacted, &c., as follows :*

John F. Wonson, proprietor of land and flats situated in that part of Gloucester known as Eastern Point, is hereby authorized to build and maintain thereon a wharf, extending three hundred feet in a north-westerly direction into the cove from the main road or high-water mark ; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Location.

Limits and direction.

Rights.

Proviso.

*Approved March 26, 1860.*AN ACT TO AUTHORIZE SEWELL E. JEWETT TO BUILD A WHARF. *Chap. 117**Be it enacted, &c., as follows :*

Sewell E. Jewett is hereby authorized to build and maintain a wharf, from his land on the northerly bank of Merrimac River, in the town of Haverhill, extending not exceeding one hundred and twenty feet from high-water mark to the channel of said river ; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person or corporation.

Location.

Limits.

Direction.

Rights.

Proviso.

*Approved March 26, 1860.*AN ACT TO AUTHORIZE AMOS A. STORY TO EXTEND HIS WHARF IN GLOUCESTER. *Chap. 118**Be it enacted, &c., as follows :*

Amos A. Story, proprietor of a wharf in Gloucester, situated in that part of the town known as Eastern Point, is hereby authorized to extend and maintain said wharf in its present width, one hundred and fifty feet in a north-westerly direction into the cove ; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Location.

Limit.

Direction.

Rights.

Proviso.

*Approved March 26, 1860.*AN ACT TO AUTHORIZE WILLIAM H. FRIEND AND OTHERS TO BUILD A WHARF IN GLOUCESTER. *Chap. 119**Be it enacted, &c., as follows :*

William H. Friend and his associates, owners of land and flats in Gloucester, are hereby authorized to build and maintain a wharf in said Gloucester, extending a distance of one hundred and thirty feet in length, by eighty feet in width, in a south-easterly direction towards the channel ; and they shall have the right to lay vessels at the end and sides of

Location.

Extent and limits.

Direction.

Rights.

Proviso. said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall in no wise impair the legal rights of any person. *Approved March 26, 1860.*

Chap. 120

AN ACT IN RELATION TO SALEM STREET SOCIETY, IN WORCESTER.
Be it enacted, &c., as follows :

Mortgage of prop-
erty authorized.

Purpose.

SECTION 1. The prudential committee of the Salem Street Society of the city of Worcester are hereby authorized to mortgage said society's meeting-house and land, to secure the payment of the debts of said society, or to borrow the money therefor, and to secure the payment thereof, by a mortgage as aforesaid, or to mortgage said house and land to secure such individuals as may indorse said society's note or notes given for the indebtedness of said society.

SECTION 2. This act shall take effect from its passage.
Approved March 26, 1860.

Chap. 121

AN ACT TO PROTECT TOWNS FROM INJURY BY THE NEGLECT OF GAS COMPANIES.

Be it enacted, &c., as follows :

Gas companies
liable for certain
damages.

When a party injured in his person or property, by a defect in a highway, caused by the operations of a gas company in laying down or repairing its pipes, or otherwise obstructing such way, recovers damages therefor of the town wherein such injury is received, such town shall, in addition to the damages so recovered against it, be entitled to recover all the taxable costs of the plaintiff and defendant in the same action, in a suit brought against said gas company: *provided*, said gas company be liable for said damages; and *provided*, reasonable notice be given by such town, to the gas company, so that it might have defended the original action.

Proviso.

Approved March 26, 1860.

Chap. 122

AN ACT TO INCORPORATE THE GEORGETOWN AGRICULTURAL AND SOCIAL LIBRARY ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

Title.

Purposes.

Powers, rights,
&c.

SECTION 1. Jeremiah P. Jones, Solomon Nelson, Hiram M. Couch, Richard Tenney, their associates and successors, are hereby made a corporation by the name of the Georgetown Agricultural and Social Library Association, of Georgetown, for the purposes of mental culture, the establishing and maintaining a library, and the encouragement of the arts and sciences; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, eighteen hundred and fifty-nine.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding ten thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect from its passage. Amount.

Approved March 26, 1860.

AN ACT CONCERNING THE VALUATION OF THE PROPERTY OF THIS COMMONWEALTH. *Chap. 123*

Be it enacted, &c., as follows :

SECTION 1. If the assessors of any town or city shall refuse or neglect to give information in relation to their valuation of such town or city, when required so to do by the state valuation committee, or by any sub-committee thereof, they shall be liable for such refusal or neglect, to the fine provided in the fourth section of the act to ascertain the ratable estate within this Commonwealth, passed at the present session of the legislature, for neglecting or refusing to do or perform the duties required by said act. Liability of assessors.

SECTION 2. The secretary of the Commonwealth shall transmit a copy of this act to the assessors of each town and city in this Commonwealth. Secretary to transmit, &c.

Approved March 29, 1860.

AN ACT CONCERNING BANKS.

Chap. 124

Be it enacted, &c., as follows :

SECTION 1. Every bank holding itself out to receive the bills of any bank in New England, current by law or usage in this state, for the purpose of redemption, (as is now done by the Bank of Mutual Redemption and the Suffolk Bank,) and return, either directly or indirectly, to the bank of issue, shall receive all such bills, offered in the usual course of business, at par, until notice is given at its counter of refusal of all such bills. Current money to be received at par until notice of refusal.

SECTION 2. Any bank giving such notice of refusal, shall publish the same in the next daily issue of some newspaper printed in Boston. Publication of notice.

SECTION 3. No bank shall require any liability from any person offering such bills, which it does not require from all persons: *provided*, nothing herein contained shall interfere with any contracts voluntarily entered into in relation to the redemption of such bills. Liability of bill holders.

Proviso.

SECTION 4. Whoever violates any provision of this act, shall, for each offence, forfeit one thousand dollars, to be recovered by an action in any court proper to try the same; one-half to the use of the prosecutor, and one-half to the use of the Commonwealth. Penalty for violation.

SECTION 5. This act shall take effect upon its passage.

Approved March 29, 1860.

Chap. 125 AN ACT IN RELATION TO THE BERKSHIRE AGRICULTURAL SOCIETY.
Be it enacted, &c., as follows :

Repealing act.

So much of section sixteen, of chapter sixty-six, of the General Statutes, as requires the Berkshire Agricultural Society to commence its annual exhibition on the last Tuesday of September, is hereby repealed.

Approved March 29, 1860.

Chap. 126 AN ACT TO INCORPORATE THE JEGAR SAHADUTHA LODGE.
Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Powers, duties,
&c.

Estate.

Amount.

SECTION 1. Newman Ehrlich, Simon Reinstein and Bernard Nelson, their associates and successors, are hereby made a corporation by the name of the Jegar Sahadutha Lodge, for the purpose of raising by means of stated contributions from the members, a fund from which pecuniary aid and assistance may be rendered to the widows and children of deceased members; and for these purposes shall have all the powers, and be subject to all the duties and liabilities, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, so far as the same are applicable.

SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding twenty thousand dollars.

Approved March 29, 1860.

Chap. 127 AN ACT TO EXTEND THE "ACT TO AUTHORIZE THE CHICOPEE MANUFACTURING COMPANY TO CHANGE THE PAR VALUE OF ITS SHARES, AND TO ISSUE NEW SHARES."

Be it enacted, &c., as follows :

Extended one
year.

SECTION 1. The provisions of the "Act to authorize the Chicopee Manufacturing Company to change the par value of its shares and to issue new shares," approved on the twenty-sixth day of February, in the year one thousand eight hundred and fifty-nine, are hereby extended and continued in force for one year from the twenty-sixth day of February, in the year one thousand eight hundred and sixty.

SECTION 2. This act shall take effect from its passage.

Approved March 29, 1860.

Chap. 128 AN ACT TO EQUALIZE THE SHARES IN CORPORATIONS.
Be it enacted, &c., as follows :

Shares not to exceed \$100 each.

SECTION 1. The capital stock of every corporation hereafter established, shall be divided into shares, the par value of which shall not exceed one hundred dollars each.

Existing corporations.

SECTION 2. Each manufacturing, railway or banking corporation, now established, the capital stock whereof is

divided into shares of a par value exceeding one hundred dollars each, is hereby authorized and required, at its annual meeting next after the passage of this act, to divide its capital stock into equal shares, not exceeding one hundred dollars. Every stockholder in such corporation shall thereafter, upon surrender of his certificate of stock, be entitled to a new certificate for his proportional number of shares.

SECTION 3. The preceding section shall not be obligatory upon corporations, the par value of whose shares cannot be divided into shares of one hundred dollars each, without leaving a surplus. Exception.

SECTION 4. This act shall take effect from its passage.

Approved March 30, 1860.

AN ACT TO INCORPORATE THE BOSTON AND VIRGINIA STEAM-SHIP COMPANY.

Chap. 129

Be it enacted, &c., as follows:

SECTION 1. Edward S. Tobey, Amos A. Lawrence, Francis K. Fisher, J. B. Robinson, Daniel L. Winsor, Charles Soule, junior, their associates and successors, are hereby made a corporation, by the name of the Boston and Virginia Steam-ship Company, for the purpose of navigating the ocean by steam; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine. Corporators.
Title.
Purpose.
Powers, duties, &c.

SECTION 2. The said company are hereby authorized to build, purchase, charter, hold and convey, one or more steam-ships, and may therewith navigate the ocean between Boston, Massachusetts, and one or more ports in the state of Virginia, and may enter into such contracts as they may deem expedient, to run steam-ships between such ports. Right to hold ships, &c.
Routes defined.

SECTION 3. The said company may hold personal property to an amount not exceeding two hundred thousand dollars. Personal property.

SECTION 4. If the said corporation shall not, within one year from the passage of this act, have been organized, and have laid and collected an assessment or assessments to the amount of ten per cent. upon the capital stock, and shall not, within three years from the passage of this act, have placed on the aforesaid route at least one steam-ship for the purposes of said company, and shall not use the same for the purposes in this act expressed, then this act shall become null and void. Time of organization, &c., limited

SECTION 5. This act shall take effect from and after its passage.

Approved March 30, 1860.

Chap. 130 AN ACT TO APPORTION AND ASSESS A TAX OF TWO HUNDRED FORTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS.

Be it enacted, &c., as follows :

Cities and towns
to be assessed.

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :

SUFFOLK COUNTY.

Boston, . . .	Eighty-two thousand two hundred forty-five dollars, ...	\$82,245 00
Chelsea, . . .	One thousand four hundred sixty-seven dollars fifty cents, ...	1,467 50
North Chelsea, .	Three hundred twenty-five dollars, . .	325 00
		\$84,037 50

ESSEX COUNTY.

Amesbury, . . .	Four hundred eighty dollars, ...	\$180 00
Andover, . . .	One thousand three hundred forty-two dollars fifty cents, ...	1,342 50
Beverly, . . .	Nine hundred sixty-two dollars fifty cents, ...	962 50
Boxford, . . .	Two hundred thirty-two dollars fifty cents, ...	232 50
Bradford, . . .	One hundred seventy dollars, ...	170 00
Danvers, . . .	One thousand four hundred fifty-seven dollars fifty cents, ...	1,457 50
Essex, ...	Two hundred eighty dollars, ...	280 00
Georgetown, . .	Three hundred twenty-seven dollars fifty cents, ...	327 50
Gloucester, . .	One thousand one hundred five dollars,	1,105 00
Groveland, . . .	One hundred eighty-five dollars, . .	185 00
Hamilton, . . .	One hundred ninety-two dollars fifty cents, ...	192 50
Haverhill, . . .	One thousand twelve dollars fifty cents,	1,012 50
Ipswich, ...	Four hundred seventy-seven dollars fifty cents, ...	477 50
Lawrence, . . .	Two thousand four hundred eighty dollars, ...	2,480 00
Lynn, ...	One thousand nine hundred thirty-two dollars fifty cents, ...	1,932 50
Lynnfield, . . .	One hundred fifty-five dollars, . . .	155 00
Manchester, . .	Two hundred thirty-five dollars, . . .	235 00

ESSEX COUNTY—CONTINUED.

Marblehead, . .	Nine hundred twenty-two dollars fifty cents, ...	\$922 50
Methuen, . . .	Four hundred sixty-seven dollars fifty cents, ...	467 50
Middleton, . .	One hundred thirty-two dollars fifty cents, ...	132 50
Newbury, . . .	Two hundred ninety dollars, ...	290 00
Newburyport, .	Two thousand three hundred twenty-five dollars, ...	2,325 00
Rockport, . . .	Three hundred forty-two dollars fifty cents, ...	342 50
Rowley, ...	Two hundred two dollars fifty cents, .	202 50
Salem, ...	Five thousand five hundred sixty dollars, ...	5,560 00
Salisbury, . . .	Four hundred sixty dollars, ...	460 00
Saugus, ...	Two hundred twenty-seven dollars fifty cents, ...	227 50
Topsfield, . . .	Two hundred ten dollars, ...	210 00
Wenham, ...	One hundred seventy dollars, ...	170 00
West Newbury, .	Two hundred sixty-five dollars, . . .	265 00
		\$24,602 50

MIDDLESEX COUNTY.

Acton, ...	Two hundred forty-seven dollars fifty cents, ...	\$247 50
Ashby, ...	Two hundred fifty-five dollars, . . .	255 00
Ashland, ...	One hundred ninety-five dollars, . . .	195 00
Bedford, ...	One hundred sixty dollars, ...	160 00
Billerica, ...	Three hundred sixty-seven dollars fifty cents, ...	367 50
Boxborough, . . .	One hundred two dollars fifty cents, .	102 50
Brighton, ...	Six hundred eighty dollars, ...	680 00
Burlington, . . .	One hundred twenty-five dollars, . . .	125 00
Cambridge, ...	Four thousand three hundred thirty dollars, ...	4,330 00
Carlisle, ...	One hundred forty dollars, ...	140 00
Charlestown, . .	Three thousand six hundred sixty-five dollars, ...	3,665 00

MIDDLESEX COUNTY—CONTINUED.

Chelmsford, . .	Four hundred seventeen dollars fifty cents, ...	\$417 50
Concord, . . .	Five hundred thirty-five dollars, . . .	535 00
Dracut, . . .	Three hundred ten dollars, ...	310 00
Dunstable, . .	One hundred fifty-two dollars fifty cents,	152 50
Framingham, .	Eight hundred twenty dollars, ...	820 00
Groton, . . .	Six hundred dollars, ...	600 00
Holliston, . . .	Three hundred eighty-two dollars fifty cents, ...	382 50
Hopkinton, . .	Four hundred twenty-five dollars, . . .	425 00
Lexington, . .	Four hundred ninety-seven dollars fifty cents, ...	497 50
Lincoln, . . .	Two hundred dollars, ...	200 00
Littleton, . . .	Two hundred five dollars, ...	205 00
Lowell, . . .	Seven thousand one hundred eighty dollars, ...	7,180 00
Malden, . . .	Seven hundred fifty dollars, ...	750 00
Marlborough, .	Five hundred thirty-five dollars, . . .	535 00
Medford, . . .	One thousand fifteen dollars, ...	1,015 00
Melrose, . . .	Two hundred twenty-five dollars, . . .	225 00
Natick, . . .	Four hundred forty dollars, ...	440 00
Newton, . . .	One thousand three hundred twenty-two dollars fifty cents, ...	1,322 50
Pepperell, . .	Three hundred thirty dollars, ...	330 00
Reading, . . .	Five hundred five dollars, ...	505 00
Sherborn, . . .	Two hundred twenty-five dollars, . . .	225 00
Shirley, . . .	Two hundred forty-five dollars, ...	245 00
Somerville, . .	Eight hundred sixty-two dollars fifty cents, ...	862 50
South Reading, .	Three hundred fifty-two dollars fifty cents, ...	352 50
Stoneham, . . .	Two hundred fifty-two dollars fifty cents,	252 50
Stow, ...	Two hundred seventy-two dollars fifty cents, ...	272 50
Sudbury, . . .	Three hundred eighty-seven dollars fifty cents, ...	387 50

MIDDLESEX COUNTY—CONTINUED.

Tewksbury, . .	Two hundred sixty-five dollars, . . .	\$265 00
Townsend, . .	Three hundred seventy-five dollars, .	375 00
Tyngsborough, .	Two hundred five dollars, ...	205 00
Waltham, . . .	One thousand one hundred sixty-two dollars fifty cents, ...	1,162 50
Watertown, . .	Nine hundred fifty-five dollars, . . .	955 00
Wayland, . . .	Two hundred fifteen dollars, ...	215 00
W. Cambridge, .	Six hundred eighty-seven dollars fifty cents, ...	687 50
Westford, . . .	Three hundred forty-five dollars, . .	345 00
Weston, ...	Three hundred dollars, ...	300 00
Wilmington, . .	One hundred seventy-five dollars, . .	175 00
Winchester, . .	Two hundred eighty-five dollars, . .	285 00
Woburn, ...	Eight hundred forty dollars, ...	840 00
		\$35,522 50

WORCESTER COUNTY.

Ashburnham, .	Three hundred twelve dollars fifty cents,	\$312 50
Athol, ...	Three hundred seven dollars fifty cents,	307 50
Auburn, ...	One hundred eighty dollars, ...	180 00
Barre, ...	Six hundred seventeen dollars fifty cents, ...	617 50
Berlin, ...	One hundred twenty-five dollars, . .	125 00
Blackstone, . .	Seven hundred eighty dollars, ...	780 00
Bolton, ...	Two hundred thirty-two dollars fifty cents, ...	232 50
Boylston, . . .	One hundred ninety-five dollars, . .	195 00
Brookfield, . .	Two hundred ninety dollars, ...	290 00
Charlton, . . .	Four hundred fifteen dollars, ...	415 00
Clinton, ...	Four hundred seven dollars fifty cents,	407 50
Dana, ...	One hundred five dollars, ...	105 00

WORCESTER COUNTY—CONTINUED.

Douglas, . . .	Three hundred fifteen dollars, . . .	\$315 00
Dudley, . . .	Two hundred eighty-five dollars, . .	285 00
Fitchburg, . .	Nine hundred twelve dollars fifty cents,	912 50
Gardner, . . .	Two hundred fifty-seven dollars fifty cents, . . .	257 50
Grafton, . . .	Six hundred twenty-two dollars fifty cents, . . .	622 50
Hardwick, . .	Three hundred fifty-five dollars, . . .	355 00
Harvard, . . .	Three hundred thirty dollars, . . .	330 00
Holden, . . .	Three hundred forty-seven dollars fifty cents, . . .	347 50
Hubbardston, .	Two hundred ninety-five dollars, . .	295 00
Lancaster, . .	Two hundred ninety-five dollars, . .	295 00
Leicester, . .	Five hundred twenty-five dollars, . .	525 00
Leominster, . .	Five hundred sixty-five dollars, . . .	565 00
Lunenburg, . .	Two hundred seventy-two dollars fifty cents, . . .	272 50
Mendon, . . .	Two hundred ninety-two dollars fifty cents, . . .	292 50
Milford, . . .	Six hundred seven dollars fifty cents, .	607 50
Millbury, . . .	Four hundred fifty-five dollars, . . .	455 00
New Braintree, .	Two hundred twenty-seven dollars fifty cents, . . .	227 50
N. Brookfield, .	Three hundred five dollars, . . .	305 00
Northborough, .	Two hundred eighty dollars, . . .	280 00
Northbridge, . .	Three hundred five dollars, . . .	305 00
Oakham, . . .	One hundred ninety dollars, . . .	190 00
Oxford, . . .	Four hundred thirty dollars, . . .	430 00
Paxton, . . .	One hundred thirty-seven dollars fifty cents, . . .	137 50
Petersham, . .	Three hundred forty-two dollars fifty cents, . . .	342 50
Phillipston, . .	One hundred sixty-five dollars, . . .	165 00
Princeton, . .	Two hundred seventy-two dollars fifty cents, . . .	272 50
Royalston, . .	Three hundred forty-five dollars, . .	345 00

WORCESTER COUNTY—CONTINUED.

Rutland, . . .	Two hundred twenty-seven dollars fifty cents, ...	\$227 50
Shrewsbury, . .	Three hundred fifty dollars, ...	350 00
Southborough, .	Two hundred sixty-seven dollars fifty cents, ...	267 50
Southbridge, . .	Five hundred dollars, ...	500 00
Spencer, . . .	Three hundred eighty dollars, ...	380 00
Sterling, . . .	Three hundred fifty dollars, ...	350 00
Sturbridge, . . .	Three hundred seventy-five dollars, .	375 00
Sutton, . . .	Four hundred thirty-seven dollars fifty cents, ...	437 50
Templeton, . .	Three hundred ninety-seven dollars fifty cents, ...	397 50
Upton, ...	Two hundred eighty-five dollars, . .	285 00
Uxbridge, . . .	Four hundred ninety-five dollars, . .	495 00
Warren, . . .	Three hundred seven dollars fifty cents,	307 50
Webster, . . .	Three hundred sixty-five dollars, . .	365 00
West Boylston, .	Two hundred forty-seven dollars fifty cents, ...	247 50
W. Brookfield, .	Two hundred thirty-seven dollars fifty cents, ...	237 50
Westborough, . .	Three hundred fifty dollars, ...	350 00
Westminster, . .	Three hundred thirty-two dollars fifty cents, ...	332 50
Winchendon, . .	Four hundred twenty-two dollars fifty cents, ...	422 50
Worcester, . . .	Four thousand six hundred sixty-seven dollars fifty cents, ...	4,667 50
		\$24,695 00

HAMPSHIRE COUNTY.

Amherst, . . .	Five hundred seventeen dollars fifty cents, ...	\$517 50
Belchertown, . .	Three hundred eighty-seven dollars fifty cents, ...	387 50
Chesterfield, . .	One hundred seventy dollars, ...	170 00
Cummingtton, . .	One hundred seventy-five dollars, . .	175 00
Easthampton, . .	One hundred eighty-seven dollars fifty cents, ...	187 50

HAMPSHIRE COUNTY—CONTINUED.

Enfield, . . .	One hundred ninety-five dollars, . . .	\$195 00
Goshen, . . .	Eighty dollars, ...	80 00
Granby, . . .	One hundred seventy-five dollars, . . .	175 00
Greenwich, . . .	One hundred twenty dollars, ...	120 00
Hadley, . . .	Three hundred ninety-seven dollars fifty cents, ...	397 50
Hatfield, . . .	Two hundred ninety-seven dollars fifty cents, ...	297 50
Huntington, . . .	One hundred twelve dollars fifty cents,	112 50
Middlefield, . . .	One hundred thirty-five dollars, . . .	135 00
Northampton, . . .	One thousand ninety-two dollars fifty cents, ...	1,092 50
Pelham, . . .	One hundred seven dollars fifty cents, .	107 50
Plainfield, . . .	One hundred thirty dollars, ...	130 00
Prescott, . . .	One hundred twelve dollars fifty cents,	112 50
South Hadley, . . .	Three hundred fifteen dollars, ...	315 00
Southampton, . . .	One hundred seventy-five dollars, . . .	175 00
Ware, ...	Five hundred twenty dollars, ...	520 00
Westhampton, . . .	One hundred dollars, ...	100 00
Williamsburg, . . .	Two hundred eighty-seven dollars fifty cents, ...	287 50
Worthington, . . .	Two hundred seven dollars fifty cents,	207 50
		\$5,997 50

HAMPDEN COUNTY.

Blandford, . . .	Two hundred forty dollars, ...	\$240 00
Brimfield, . . .	Two hundred ninety-two dollars fifty cents, ...	292 50
Chester, ...	Two hundred five dollars, ...	205 00
Chicopee, ...	One thousand five hundred five dollars,	1,505 00
Granville, ...	One hundred eighty-two dollars fifty cents, ...	182 50
Holland, ...	Sixty-seven dollars fifty cents, ...	67 50

HAMPDEN COUNTY—CONTINUED.

Holyoke, . . .	Eight hundred five dollars, ...	\$805 00
Longmeadow, .	Three hundred fifty-two dollars fifty cents, ...	352 50
Ludlow, . . .	Two hundred two dollars fifty cents, .	202 50
Monson, . . .	Four hundred twelve dollars fifty cents,	412 50
Montgomery, .	Seventy dollars, ...	70 00
Palmer, . . .	Five hundred fifty-seven dollars fifty cents, ...	557 50
Russell, . . .	Seventy-seven dollars fifty cents, . .	77 50
Southwick, . .	Two hundred thirty-two dollars fifty cents, ...	232 50
Springfield, . .	Two thousand seven hundred seventy-five dollars, ...	2,775 00
Tolland, . . .	Ninety dollars, ...	90 00
Wales, ...	One hundred two dollars fifty cents, .	102 50
W. Springfield, .	Seven hundred dollars, ...	700 00
Westfield, . .	Seven hundred ten dollars, ...	710 00
Wilbraham, . .	Four hundred dollars, ...	400 00
		\$9,980 00

FRANKLIN COUNTY.

Ashfield, . . .	Two hundred forty dollars, ...	\$240 00
Bernardston, .	One hundred sixty-seven dollars fifty cents, ...	167 50
Buckland, . . .	One hundred forty dollars, ...	140 00
Charlemont, . .	One hundred sixty-seven dollars fifty cents, ...	167 50
Colrain, . . .	Two hundred eighty-seven dollars fifty cents, ...	287 50
Conway, . . .	Three hundred two dollars fifty cents, .	302 50
Deerfield, . . .	Four hundred fifty dollars, ...	450 00
Erving, ...	Seventy-two dollars fifty cents, ...	72 50
Gill, ...	One hundred thirty dollars, ...	130 00
Greenfield, . .	Four hundred seventy-two dollars fifty cents, ...	472 50

FRANKLIN COUNTY—CONTINUED.

Hawley, . . .	One hundred twenty-five dollars, . .	\$125 00
Heath, . . .	One hundred seventeen dollars fifty cents, ...	117 50
Leverett, . . .	One hundred twenty-five dollars, . .	125 00
Leyden, . . .	Ninety dollars, ...	90 00
Monroe, . . .	Twenty-seven dollars fifty cents, . .	27 50
Montague, . .	Two hundred ten dollars, ...	210 00
New Salem, . .	One hundred eighty-seven dollars fifty cents, ...	187 50
Northfield, . .	Three hundred twenty-five dollars, . .	325 00
Orange, . . .	Three hundred five dollars, ...	305 00
Rowe, ...	Ninety-seven dollars fifty cents, . . .	97 50
Shelburne, . .	Two hundred seven dollars fifty cents, .	207 50
Shutesbury, . .	One hundred forty dollars, ...	140 00
Sunderland, . .	One hundred forty dollars, ...	140 00
Warwick, . . .	One hundred ninety-seven dollars fifty cents, ...	197 50
Wendell, . . .	One hundred seventy-five dollars, . .	175 00
Whately, . . .	One hundred ninety-seven dollars fifty cents, ...	197 50
		\$5,097 50

BERKSHIRE COUNTY.

Adams, . . .	Eight hundred seven dollars fifty cents,	\$807 50
Alford, . . .	Ninety-seven dollars fifty cents, . . .	97 50
Becket, . . .	One hundred fifty-seven dollars fifty cents, ...	157 50
Cheshire, . . .	Two hundred thirty-five dollars, . . .	235 00
Clarksburg, . .	Forty-seven dollars fifty cents, . . .	47 50
Dalton, . . .	One hundred ninety-seven dollars fifty cents, ...	197 50
Egremont, . . .	Two hundred two dollars fifty cents, .	202 50

BERKSHIRE COUNTY—CONTINUED.

Florida, . . .	Seventy dollars, ...	\$70 00
Gt. Barrington, .	Five hundred seventy-seven dollars fifty cents, ...	577 50
Hancock, . . .	One hundred fifty-five dollars, ...	155 00
Hinsdale, . . .	One hundred eighty-five dollars, . . .	185 00
Lanesborough, .	Two hundred twenty-seven dollars fifty cents, ...	227 50
Lee, ...	Four hundred fifty-five dollars, ...	455 00
Lenox, ...	Two hundred thirty-seven dollars fifty cents, ...	237 50
Monterey, . . .	One hundred two dollars fifty cents, . .	102 50
Mt. Washington, .	Forty-two dollars fifty cents, ...	42 50
New Ashford, . .	Forty-two dollars fifty cents, ...	42 50
New Marlboro', .	Two hundred forty-two dollars fifty cents, ...	242 50
Otis, ...	One hundred fifty-seven dollars fifty cents, ...	157 50
Peru, ...	Ninety dollars, ...	90 00
Pittsfield, . . .	One thousand one hundred sixty dollars, .	1,160 00
Richmond, . . .	One hundred sixty-five dollars, ...	165 00
Sandisfield, . . .	Two hundred twenty-two dollars fifty cents, ...	222 50
Savoy, ...	Ninety-five dollars, ...	95 00
Sheffield, . . .	Four hundred ninety dollars, ...	490 00
Stockbridge, . . .	Three hundred twenty-two dollars fifty cents, ...	322 50
Tyringham, . . .	One hundred twelve dollars fifty cents, .	112 50
Washington, . . .	One hundred twelve dollars fifty cents, .	112 50
W. Stockbridge, .	Two hundred fifty-five dollars, ...	255 00
Williamstown, . .	Four hundred thirty dollars, ...	430 00
Windsor, ...	One hundred forty dollars, ...	140 00
		\$7,835 00

NORFOLK COUNTY.

Bellingham, . .	Two hundred thirty dollars, ...	\$230 00
Braintree, . .	Four hundred seventy-seven dollars fifty cents, ...	477 50
Brookline, . .	Two thousand eighty dollars, ...	2,080 00
Canton, . . .	Five hundred eighty-five dollars, . .	585 00
Cohasset, . . .	Three hundred twenty-seven dollars fifty cents, ...	327 50
Dedham, . . .	One thousand two hundred fifty-two dollars fifty cents, ...	1,252 50
Dorchester, . .	Two thousand seven hundred forty-two dollars fifty cents, ...	2,742 50
Dover, ...	One hundred thirty dollars, ...	130 00
Foxborough, . .	Two hundred ninety-five dollars, . .	295 00
Franklin, . . .	Two hundred ninety dollars, ...	290 00
Medfield, . . .	Two hundred dollars, ...	200 00
Medway, . . .	Four hundred twelve dollars fifty cents,	412 50
Milton, ...	Seven hundred five dollars, ...	705 00
Needham, . . .	Three hundred sixty dollars, ...	360 00
Quincy, ...	Nine hundred thirty-five dollars, . .	935 00
Randolph, . . .	Seven hundred eighty dollars, ...	780 00
Roxbury, . . .	Five thousand five hundred seven dol- lars fifty cents, ...	5,507 50
Sharon, ...	Two hundred forty dollars, ...	240 00
Stoughton, . .	Five hundred seventeen dollars fifty cents, ...	517 50
Walpole, ...	Three hundred fifty-two dollars fifty cents, ...	352 50
Weymouth, . .	Seven hundred eighty-five dollars, . .	785 00
Wrentham, . . .	Five hundred dollars, ...	500 00
		\$19,705 00

BRISTOL COUNTY.

Attleborough, .	Five hundred twelve dollars fifty cents,	\$512 50
Berkley, ...	One hundred forty-five dollars, ...	145 00

BRISTOL COUNTY—CONTINUED.

Dartmouth, . . .	Nine hundred sixty dollars, ...	\$960 00
Dighton, . . .	Two hundred thirty-seven dollars fifty cents, ...	237 50
Easton, . . .	Three hundred thirty-two dollars fifty cents, ...	332 50
Fairhaven, . . .	One thousand three hundred twenty dollars, ...	1,320 00
Fall River, . . .	Two thousand five hundred ninety-seven dollars fifty cents, ...	2,597 50
Freetown, . . .	Two hundred fifty dollars, ...	250 00
Mansfield, . . .	One hundred ninety-two dollars fifty cents, ...	192 50
New Bedford, . .	Five thousand seven hundred ninety-five dollars, ...	5,795 00
Norton, . . .	Three hundred fifteen dollars, ...	315 00
Pawtucket, . . .	Four hundred forty-five dollars, . . .	445 00
Raynham, . . .	Two hundred twenty-seven dollars fifty cents, ...	227 50
Rehoboth, . . .	Three hundred twelve dollars fifty cents, ...	312 50
Seekonk, . . .	Three hundred fifteen dollars, ...	315 00
Somerset, . . .	Two hundred two dollars fifty cents, .	202 50
Swansey, . . .	Two hundred thirty-five dollars, . . .	235 00
Taunton, . . .	One thousand six hundred seventy-seven dollars fifty cents, ...	1,677 50
Westport, . . .	Six hundred twenty-two dollars fifty cents, ...	622 50
		\$16,695 00

PLYMOUTH COUNTY.

Abington, . . .	Seven hundred twenty-two dollars fifty cents, ...	\$722 50
Bridgewater, . .	Five hundred thirty-seven dollars fifty cents, ...	537 50
Carver, . . .	One hundred sixty-two dollars fifty cents, ...	162 50
Duxbury, . . .	Four hundred eighty-two dollars fifty cents, ...	482 50
E. Bridgewater, .	Three hundred eighty-two dollars fifty cents, ...	382 50
Halifax, . . .	One hundred twenty-two dollars fifty cents, ...	122 50

PLYMOUTH COUNTY—CONTINUED.

Hanover, . . .	Two hundred fifty dollars, ...	\$250 00
Hanson, . . .	One hundred seventy-five dollars, . . .	175 00
Hingham, . . .	Seven hundred seventeen dollars fifty cents, ...	717 50
Hull, ...	Fifty dollars, ...	50 00
Kingston, . . .	Three hundred sixty-five dollars, . . .	365 00
Marshfield, . .	Two hundred ninety-two dollars fifty cents, ...	292 50
Middleborough, .	Seven hundred fifty dollars, ...	750 00
N. Bridgewater, .	Five hundred seventeen dollars fifty cents, ...	517 50
Pembroke, . . .	Two hundred five dollars, ...	205 00
Plymouth, . . .	One thousand ninety-five dollars, . . .	1,095 00
Plympton, . . .	One hundred fifty-two dollars fifty cents, ...	152 50
Rochester, . . .	Five hundred fifty-two dollars fifty cents, ...	552 50
Scituate, ...	Three hundred twelve dollars fifty cents, ...	312 50
South Scituate, .	Three hundred thirty-two dollars fifty cents, ...	332 50
Wareham, ...	Four hundred thirty-seven dollars fifty cents, ...	437 50
W. Bridgewater, .	Two hundred thirty-two dollars fifty cents, ...	232 50
		\$8,847 50

BARNSTABLE COUNTY.

Barnstable, . . .	Seven hundred two dollars fifty cents, ...	\$702 50
Brewster, ...	One hundred sixty-five dollars, ...	165 00
Chatham, ...	Two hundred forty-seven dollars fifty cents, ...	247 50
Dennis, ...	Three hundred eighty-five dollars, ...	385 00
Eastham, ...	Ninety-five dollars, ...	95 00
Falmouth, ...	Four hundred twenty-seven dollars fifty cents, ...	427 50
Harwich, ...	Two hundred eighty-two dollars fifty cents, ...	282 50

BARNSTABLE COUNTY—CONTINUED.

Orleans, . . .	One hundred seventy-two dollars fifty cents, ...	\$172 50
Provincetown, .	Four hundred sixty-five dollars, . . .	465 00
Sandwich, . . .	Six hundred ten dollars, ...	610 00
Truro, ...	One hundred ninety-seven dollars fifty cents, ...	197 50
Wellfleet, . . .	One hundred seventy-seven dollars fifty cents, ...	177 50
Yarmouth, . . .	Three hundred forty-seven dollars fifty cents, ...	347 50
		\$1,275 00

DUKES COUNTY.

Chilmark, . . .	One hundred ninety-seven dollars fifty cents, ...	\$197 50
Edgartown, . . .	Three hundred seven dollars fifty cents, ...	307 50
Tisbury, ...	Two hundred sixty-two dollars fifty cents, ...	262 50
		\$767 50

NANTUCKET COUNTY.

Nantucket, . . .	One thousand nine hundred thirty-seven dollars fifty cents, ...	\$1,937 50
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RECAPITULATION.

Suffolk County, .	Eighty-four thousand thirty-seven dollars fifty cents, ...	\$84,037 50
Essex County, .	Twenty-four thousand six hundred two dollars fifty cents, ...	24,602 50
Middlesex County,	Thirty-five thousand five hundred twenty-two dollars fifty cents, ...	35,522 50
Worcester County,	Twenty-four thousand six hundred ninety-five dollars, ...	24,695 00
Hampshire County,	Five thousand nine hundred ninety-seven dollars fifty cents, ...	5,997 50
Hampden County,	Nine thousand nine hundred eighty-dollars, ...	9,980 00
Franklin County,	Five thousand ninety-seven dollars fifty cents, ...	5,097 50
Berkshire County,	Seven thousand eight hundred thirty-five dollars, ...	7,835 00
Norfolk County, .	Nineteen thousand seven hundred five dollars, ...	19,705 00
Bristol County, .	Sixteen thousand six hundred ninety-five dollars, ...	16,695 00
Plymouth County,	Eight thousand eight hundred forty-seven dollars fifty cents, ...	8,847 50
Barnstable County,	Four thousand two hundred seventy-five dollars, ...	4,275 00
Dukes County, .	Seven hundred sixty-seven dollars fifty cents, ...	767 50
Nantucket County,	One thousand nine hundred thirty-seven dollars fifty cents, ...	1,937 50
		\$249,995 00

Treasurer to issue warrant to assessors.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes; and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town.

Duties of assessors, selectmen, &c.

SECTION 3. The treasurer in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which

each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justice thereof before whom the hearing is had, shall order.

Penalties for delinquency.

SECTION 5. This act shall take effect from its passage.

Approved March 30, 1860.

AN ACT FOR SUPPLYING THE RECORDS OF THE COHASSET MUTUAL FIRE INSURANCE COMPANY.

Chap. 131

Be it enacted, &c., as follows:

SECTION 1. Caleb Nichols, of Cohasset, is hereby authorized to supply the records of the Cohasset Mutual Fire Insurance Company, for the stockholders' meeting of the second of January, eighteen hundred and sixty, and the directors' meeting of the same day; and such records, when so supplied, signed and sworn to before any justice of the peace, shall be deemed and taken to be the original records of said company, and shall have the same force and effect as if made by the secretary thereof at the date of the meetings of said second day of January; and notwithstanding the omission of said records so authorized to be supplied, the corporate acts of said company, or its officers, otherwise legally elected at or subsequently to said meetings of said second day of January, shall be deemed and considered to be legal and valid.

Certain records, proceedings, &c. legalized.

SECTION 2. This act shall take effect from its passage.

Approved March 30, 1860.

Chap. 132 AN ACT TO AUTHORIZE JOHN KILEY TO BUILD A WHARF IN PROVINCETOWN HARBOR.*Be it enacted, &c., as follows :*

John Kiley is hereby authorized to build a wharf in Provincetown Harbor, to extend it to a distance at which there shall be six feet of water at low tide ; and he shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall not impair the legal rights of any other person.

*Approved March 30, 1860.***Chap. 133** AN ACT TO INCREASE THE CAPITAL STOCK OF THE OLD COLONY INSURANCE COMPANY.*Be it enacted, &c., as follows :*

The Old Colony Insurance Company, in the town of Plymouth, is hereby authorized to increase its capital stock, by an addition thereto of the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each : *provided*, the same shall be paid in within three years from the passage of this act.

*Approved March 30, 1860.***Chap. 134** AN ACT TO AUTHORIZE GEORGE H. ROGERS TO BUILD WHARVES IN GLOUCESTER HARBOR.*Be it enacted, &c., as follows :*

George H. Rogers is hereby authorized to build and maintain a wharf or wharves at the southerly side of Fort Point, in the town of Gloucester, from land owned by him, commencing at western terminus of the grant made to him in eighteen hundred and forty-nine, as described in the one hundred and third chapter of the acts of that year, and extending westerly six hundred and fifty feet by the shore, and extending southerly not exceeding sixty feet from low-water mark ; and shall have the right to lay vessels at said wharf or wharves, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person whatever.

*Approved March 30, 1860.***Chap. 135** AN ACT IN ADDITION TO AN ACT CONCERNING SCHOOL DISTRICTS.*Be it enacted, &c., as follows :*

Tax, how levied. SECTION 1. The tax provided for by section third, chapter thirty-nine of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, assessed to pay the amount of the appraisal of the property of the several school districts, may be levied upon the town either in one or more assessments, and at either or each of the next three annual assessments after the appraisal of the property, as the town may determine.

SECTION 2. Any town may avail itself of all the provisions of the aforesaid third section of the thirty-ninth chapter of the General Statutes, after the passage of this act.

Provisions of the 39th chapter to take effect.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1860.

AN ACT TO ESTABLISH THE CITY OF TAUNTON.

Be it enacted, &c., as follows :

Chap. 136

SECTION 1. The inhabitants of the town of Taunton shall continue to be a body politic and corporate under the name of the City of Taunton, and as such shall have, exercise and enjoy, all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now incumbent upon and appertaining to said town as a municipal corporation.

City of Taunton established.

SECTION 2. The administration of the financial, prudential and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor, one council of eight, to be called the board of aldermen, and one council of twenty-four, to be called the common council, which boards, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall ever receive any compensation for his services.

Mayor, aldermen and common council.

SECTION 3. It shall be the duty of the selectmen of Taunton, within twenty days after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards, to contain, as nearly as conveniently may be, an equal number of inhabitants, which proceedings of the selectmen shall be subject to the revision of the city council within one year after the passage of this act; and it shall be the duty of the city council every fifth year thereafter, and not oftener, to revise, and, if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward, which division of the town into wards, by said selectmen, shall be by them reduced to writing, and subscribed, and shall be recorded by the town clerk for the time being, with the records of said town of Taunton.

Selectmen of Taunton to divide the town into wards.

City council to equalize wards every five years.

SECTION 4. On the fifth Monday next after the day this charter shall have been accepted by the inhabitants of Taunton, as is hereinafter provided, and on the first Monday in December in each succeeding year, there shall be chosen,

Wardens, clerks, and inspectors of elections.

by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the powers of a moderator of a town meeting; and if at any ward meeting the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and if at any ward meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him as such clerk; and it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen shall respectively make oath or affirmation faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol; and a certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof. All warrants for meetings of the citizens for municipal purposes to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner and at such times as the city council may, by any by-law, direct; and said warrants, with the returns of the officer serving the same thereon, shall be recorded by the city clerk.

Their duties.

Warrants for meetings.

Mayor, aldermen and common councilmen. How elected.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards; and one alderman and three common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected. All said officers shall be chosen by ballot, and shall hold their offices from their election and qualification, in the year one thousand eight hundred and sixty, till the first Monday in January, in the year one thousand eight hundred and sixty-two, and for one year from the first Monday in January in each succeeding year, and until others shall be elected and qualified to fill their places.

School committee.

SECTION 6. The school committee shall consist of twenty-four, and shall be elected, three from and by the voters of each ward, who shall be residents of the ward when elected;

of which three the person who receives the highest number of votes, or in case two or more receive an equal number of votes, the person who is senior by age, shall hold the office till the first Monday in January, in the year eighteen hundred and sixty-four, and the person who receives the next highest number of votes, or who is senior by age in the contingency aforesaid, shall hold the office till the first Monday in January, in the year eighteen hundred and sixty-three, and the other person shall hold his office till the first Monday in January, in the year eighteen hundred and sixty-two; and at the annual election in the year eighteen hundred and sixty-one, and at each subsequent annual election, one person shall be chosen from and by the voters of each ward to be a member of the school committee for the term of three years from the first Monday of January next following. In case of a vacancy in the school committee, occasioned by the decease or resignation of any member thereof, or of his inability to perform the duties of his office, the city council, in convention, shall elect a person to fill the same, who shall hold his office until the next annual election of municipal officers, and until another shall be chosen and qualified in his stead; and at said annual election a person shall be elected to said office, in the manner herein before provided, who shall hold the same for the residue of the unexpired term. The school committee shall be chosen by ballot, and shall receive no pay for their services.

Vacancies, how filled.

SECTION 7. The several school districts in the town of Taunton shall elect their own prudential committees in the manner now provided by law, which committees, when chosen, shall be subject to the same obligations, and perform the same duties, and have the same authority that prudential committees of the several school districts in the town of Taunton have.

Prudential committees of school districts.

SECTION 8. Annually, in the month of January, the aldermen and common council shall meet in convention, and shall elect by ballot eight assessors of taxes, one from each ward, who shall hold their offices for one year from and after their election, and until others shall be elected and qualified in their places; they shall be severally sworn to the faithful discharge of their duties, which oath shall be administered by the mayor, in a meeting of the board of aldermen, and they shall receive the same pay for their services as is now allowed assessors for towns, by the laws of this Commonwealth. The board of aldermen and common council shall, at the same time, choose from the citizens at large three overseers of the poor, no two of whom shall be residents of

Assessors of taxes, how chosen.

Compensation.

Overseers of the poor.

Compensation, &c.	the same ward, who shall hold their offices for the same length of time, and shall be qualified in the same manner as is herein before provided for assessors, and who shall receive the same compensation as is now provided by law for overseers of the poor in towns. The said assessors and overseers of the poor shall constitute, respectively, the board of assessors and board of overseers of the poor, and they shall have, respectively, all the powers, and shall be subject to all the duties and liabilities that assessors and overseers of the poor in towns now have, under existing laws. And all taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this Commonwealth: <i>provided, however</i> , that the city council may establish further or additional provisions for the collection thereof.
Taxes.	
Proviso.	
First and subsequent elections of city officers.	SECTION 9. On the fifth Monday next after the day this charter shall have been accepted by the inhabitants of Taunton, as is hereinafter provided, and on the first Monday in December in each succeeding year, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, warden, clerk, and inspectors, as provided in the preceding sections; and all the votes so given shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, with designations of the office, to be written in the ward records, in words, at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected aldermen, common councilmen and school committee, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall within the same time deliver to the city clerk a copy of the records of such elections, certified in like manner: <i>provided, however</i> , that if the choice of aldermen, councilmen and school committee cannot be conveniently effected on that day, the meeting may be adjourned from time to time to complete such election.
Certificates of elections.	
Proviso.	
Mayor elect to be notified.	The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who has been elected mayor to be notified in writing, of his election; but if it shall appear that no person has received a plurality of votes, or if the person elected shall refuse to accept the office, the board of aldermen shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen. If it shall
Warrants for new elections in certain cases.	
Non-election of school committee.	

appear that the whole number of school committee at large have not been elected the same proceedings shall be had as are herein before provided for the choice of mayor.

In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, the board of aldermen and the common council shall, in convention, elect a mayor for the time being, who shall serve until another is chosen, or until the occasion causing the vacancy is removed.

Mayor *pro tempore* in case of vacancy.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol. The aldermen and common councilmen elect shall, on the first Monday of January, in the year one thousand eight hundred and sixty-two, and of every subsequent year, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to them by the mayor or by any justice of the peace, and a certificate that such oath has been taken shall be entered on the journal of each board by the clerk thereof.

Administration of oaths, &c.

When it shall appear that no mayor has been elected previous to the said first Monday in January, in the year eighteen hundred and sixty-two, and the first Monday in January, in each succeeding year, the mayor and aldermen for the time being shall make a record of that fact; an attested copy of which the city clerk shall read at the opening of the convention held as aforesaid. After such oath has been administered the two boards shall separate, and the common council shall organize by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be sworn to the faithful performance of his duties.

Non-election of mayor.

In case of the absence of the mayor elect on the first Monday in January, the city government shall organize in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and at any time thereafter, in convention of the two branches, the oath of office may be administered to the mayor and to any member of the city council who may have been absent at the organization. In the absence of the mayor at any meeting, the board of aldermen may choose a chairman *pro tempore*, who shall also preside at any joint meetings of the two boards during such absence.

Absence of mayor elect.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of a failure of election, or in case of any vacancy declared by

Judges of elections.
Vacancies.

either board, the mayor and aldermen shall issue their warrants for a new election.

Powers and duties of the mayor.

SECTION 10. The mayor thus chosen and qualified shall be the chief executive officer of the city ; it shall be his duty to be vigilant in causing the laws, ordinances and regulations of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished ; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices, in writing, to be left at the place of residence of the several members ; he shall communicate, from time to time, to both boards, such information, and recommend such measures as in his opinion the interests of the city may require ; he shall preside in the board of aldermen and in convention of the two boards, but shall have only a casting vote ; his salary shall be three hundred dollars a year and no more, and he shall receive no other compensation.

Salary.

Powers and duties of mayor and aldermen.

SECTION 11. The executive power of said city, generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Taunton, shall be vested in the mayor and aldermen as fully as if the same were herein specially enumerated. And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with powers and duties of constables and all other police officers, and may remove the same, when, in their opinion, sufficient cause for removal exists. The salary of the marshal shall be fixed by the city council, but shall not exceed the sum of two hundred dollars a year. All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other : *provided, however*, that said city council shall at no time make any appropriation except for the necessary expenses of the city, and shall not at any time create a city debt exceeding the sum of fifteen thousand dollars, without the consent of a majority of the qualified voters of said city regularly voting thereon in their respective wards, at meetings duly warned and held for that purpose.

Salary of marshal

Proviso.

City debt.

Appropriations, &c.

Choice of city treasurer.

City clerk and collector of taxes.

The city council shall, annually, as soon as convenient after their organization, elect by joint ballot in convention, a city treasurer, collector of taxes, and city clerk, who shall be one and the same person, and he shall have a salary of

eight hundred dollars a year, and no more; and the city council shall, in such manner as they may determine, by any by-law made for that purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensations in cases when such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury, unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of the city property and the city debt.

Other subordinate officers.

All sittings to be public.

Of the public money.

Of the public buildings and property.

Accounts, &c., to be published.

SECTION 12. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, subject to confirmation or rejection by the board of aldermen. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member of the board of aldermen, or of the common council; and neither the mayor nor any alderman or member of the common council, shall at the same time, hold any other office in the city government, except that any member of either board may serve as mayor when a vacancy shall occur in that office, and the mayor *ex officio* shall be a member of and preside over the board of assessors, but without any additional compensation therefor.

Nominating power.

Eligibility to office.

SECTION 13. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of Taunton.

City clerk.

His duties, &c.

SECTION 14. The city council shall have the same power in relation to the laying out, accepting, widening, altering or

Streets and ways.

discontinuing of streets and ways, and the assessment of damages therefor, which selectmen and inhabitants of towns now by law have ; but all petitions and questions relating to laying out, accepting, widening, altering or discontinuing any street or way, shall be first acted upon by the mayor and aldermen.

Right of appeal
for redress of
grievances.

Any person aggrieved by the proceedings of the city council in the exercise of such powers, shall have the same right of appeal to the county commissioners of the county of Bristol, as is given by the laws of the Commonwealth to appeal from the decision of selectmen or the inhabitants of towns.

Board of health.

SECTION 15. All the power and authority now by law vested in the board of health for the town of Taunton shall be transferred to and vested in the city council, to be carried into execution in such manner as the council shall deem expedient.

Drains and sew-
ers.

SECTION 16. The city council shall have authority to cause drains and common sewers to be laid through any streets or private lands, paying the owners such damages as they may sustain thereby ; and may require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or sewer.

Election of rep-
resentatives to
general court.

SECTION 17. The mayor and aldermen shall, in each year, issue their warrants for calling meetings for the election of the whole number of representatives to the general court to which said city is by law entitled ; and the number shall be specified in the warrant.

Of elections by
the people.

SECTION 18. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively ; and at such meetings all the votes given for said officers respectively shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, with the designation of the office, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar

returns are now by law to be made by selectmen of towns. And in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen by a plurality of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

SECTION 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists.

Ward lists.

SECTION 20. General meetings of the citizens qualified to vote, may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters.

General meetings of citizens.

SECTION 21. The city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark brought into the city for sale; and all such other salutary and needful by-laws as towns may make and establish, and may annex penalties thereto not exceeding twenty dollars for the breach thereof; which by-laws shall be in force from and after the time therein respectively limited, without the sanction of any court or other authority. All such by-laws and all city ordinances shall be published in such manner as the city council may direct; and all fines for the breach of any by-law or ordinance shall be paid into the city treasury, and shall inure to such uses as the city council shall direct.

By laws, &c., for inspection, &c., of lumber, wood, &c.

SECTION 22. All fines, forfeitures and penalties accruing for the breach of any by-laws of the city of Taunton, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court in said city of Taunton, by complaint or information, in the same way and manner in which criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, how-

Recovery of fines, forfeitures, &c.

Rights of appeal. ever, in all cases, to the party complained of and prosecuted, the right of appeal to the superior court then next to be held in the county of Bristol, from the judgment and sentence of the police court. And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner as provided by the one hundred and seventy-third chapter of the General Statutes of the Commonwealth. And it shall be sufficient in all such prosecutions to set forth in the complaint the offence, fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-laws, ordinance or order, or any part thereof.

Failure of recognition. When any person upon any conviction before the police court for any breach of any by-law of said city of Taunton, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance, or order; or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and thereto prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior; and upon not paying the fine, penalty or forfeiture, and cost so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture, or penalty and costs, or be otherwise discharged, according to law.

Fire districts. SECTION 23. Whenever within three months after the acceptance of this charter, as hereinafter provided, the several fire districts now legally established in the town of Taunton, shall by a vote of a majority of the legal voters in each of said districts, present and voting at a meeting of each district legally called and holden for that purpose, vote to relinquish to the city of Taunton all the property of said fire districts, the clerk for the time being of each district shall forthwith certify such vote to the mayor and aldermen, and thereupon all the property of said several fire districts shall be vested in and become the property of the city, and the city shall pay all the debts and liabilities of said several fire districts existing on the day this act takes effect. And thereupon said fire districts shall be abolished, and it shall be the duty of the city council forthwith to organize and establish a fire department in said city; and the city council shall have full power and authority to organize such fire department and to make and establish all necessary rules and regulations for the management of the same, and to provide for the choice or appointment of a chief engineer and assistant-engineers, and such other officers and members of the

Fire department.

fire department as the city council may deem necessary, and may prescribe the compensation to which each officer and member of the fire department shall be entitled. The chief engineer and assistant-engineers so chosen or appointed, shall be sworn to the faithful performance of their duties, and shall have all the authority, and shall be subject to all the duties and responsibilities now provided by law for chief and assistant-engineers of fire districts and fire wardens of towns.

SECTION 24. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Taunton, for the time being, shall, seven days at least before the fifth Monday next after the day of the acceptance of this charter, as is hereinafter provided, issue their warrants, calling meetings of the citizens of said town of Taunton, to be holden on said Monday, at such places and hour in the several wards as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors, for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcript of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be forthwith returned to the said selectmen, whose duty it shall be to examine and compare the same; and in case the election should not be completed at the first meeting, then to issue new warrants until the election shall be completed: and notice in writing shall be given by said selectmen to the several persons elected.

Town meeting to be called by selectmen for first choice of ward officers.

At said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting a list of the voters in each ward, prepared and counted by the selectmen for the time being, shall be delivered to the clerk of each ward when elected, to be used as herein before provided.

Organization of said meeting.

The selectmen shall appoint such time for the first meeting of the city council within ten days from and after the election of city officers, as is provided in this section, or a majority of the members of both the board of aldermen and common council, as they shall think proper, and shall also fix upon the place and hour of such first meeting; and notice of the day, hour and place of said first meeting shall be published in the newspapers printed in said town, and a written notice thereof shall be sent by the selectmen to the place of abode of the city officers chosen as is provided in this section.

First meeting of city council.

Subsequent elections.

After the first election of city officers, and the first meeting for the organization of the city council, as in this section is provided, the day of holding all subsequent elections and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in the fourth and ninth sections of this act. It shall be the duty of the city council immediately after their first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others are chosen and qualified to act in their places.

Town records, &c., to be given to city clerk.

SECTION 25. All officers of the town of Taunton having the care and custody of any records, papers or property belonging to said town, shall deliver the same to the city clerk within one week after his entering the duties of his office.

Repeal.

SECTION 26. All such acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed.

Amendment by legislature.

SECTION 27. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient.

City charter to be accepted by citizens of Taunton.

SECTION 28. This act shall be void unless the inhabitants of the town of Taunton, at a legal meeting called for that purpose, at which the selectmen shall preside, and the check list be used in the same manner as at meetings called to choose state officers, and the polls be kept open ten hours, shall, by a majority of the voters present and voting thereon, yea or nay, by a written or printed ballot, determine to adopt the same on the last Monday of April next after its passage.

SECTION 29. This act shall take effect from and after its passage.

Approved March 31, 1860.

Chap. 137

AN ACT IN ADDITION TO AN ACT CONCERNING THE HARBOR OF BOSTON.

Be it enacted, &c., as follows:

Of wharf extensions.

SECTION 1. So much of the third section of an act entitled "An Act in addition to an Act concerning the Harbor of Boston," passed on the third day of May, in the year one thousand eight hundred and fifty, as provides that the proprietors of the wharves and flats, by said act authorized to be extended, shall extend said wharves and the lines of their respective flats in a direction at right angles to the line established by said act, is hereby repealed, and the proprietors of said wharves and flats are hereby authorized to extend their wharves and the lines of their respective flats to the line established by said act in the directions in which the

said lines of their respective flats were originally established between said proprietors.

SECTION 2. Whenever the said proprietors lay out or appropriate for any street or streets any portion of the said flats or wharves, the city of Boston may at any time accept and lay out as and for a public street or streets the portion or portions of said flats or wharves by said proprietors so laid out and appropriated, or any part of the same, which portions so accepted shall thereupon, and without any further act of the said proprietors, and without any compensation to them or any of them therefor, vest in the said city of Boston.

Public streets
laid out by prop-
rietors of
wharves.

SECTION 3. Each and every one of the said proprietors of said flats, or of any part thereof, who, at the expiration of two years from the passage of this act, have failed or neglected to cause a good and substantial sea-wall to be built and maintained in front of his or their respective flats on the line established by said act, passed on the third day of May, in the year one thousand eight hundred and fifty, shall forfeit all rights acquired under said act last mentioned, or under this act.

Sea-walls.

Approved March 31, 1860.

AN ACT CONCERNING MUNICIPAL ELECTIONS.

Be it enacted, &c., as follows:

The selectmen of the several towns shall insert in their warrant for calling meetings, for the election of state officers, representatives to congress, and presidential electors, the hour at which the polls may be closed, and it shall not be lawful to close the polls for the election of such officers, until the hour named in the warrant has arrived: *provided*, that nothing in this act shall be construed to conflict with the provisions of chapter seven of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine.

Chap. 138

Hour of closing
polls.

Proviso.

Approved March 31, 1860.

AN ACT CONCERNING DRAINS AND SEWERS IN THE TOWN OF SOMERVILLE.

Be it enacted, &c., as follows:

SECTION 1. The selectmen of the town of Somerville may lay, make and maintain in said town, all such drains or common sewers, through the lands of any persons or corporations, as they shall adjudge to be necessary for the convenience or the health of its inhabitants, and may repair all such drains or common sewers, from time to time, whenever repairs thereof shall be necessary.

Selectmen to lay
drains and sewers
when and where
necessary.

SECTION 2. Whenever any lands or real estate shall be taken, by virtue of this act, the said selectmen shall proceed

Rights and reme-
dies.

in the taking thereof, in the same manner, in all respects, as they now are, or hereafter may be required by law to proceed, in taking land for town ways; and all persons and corporations suffering damage in their property, by reason of the laying, making or maintaining, of any drains or common sewers, as aforesaid, shall have all the rights and remedies, for the ascertainment and the recovery of the amount of such damage, which are now or hereafter may be provided by law for the ascertainment and the recovery of damage for lands taken for town ways.

SECTION 3. This act shall take effect from and after its passage.

Approved March 31, 1860.

Chap. 140

AN ACT CONCERNING THE HINGHAM AND QUINCY TURNPIKE AND BRIDGES.

Be it enacted, &c., as follows :

County commis-
sioners of Nor-
folk and Ply-
mouth to lay out
highways.

SECTION 1. The county commissioners of the counties of Norfolk and Plymouth, severally, may, with the assent of the Hingham and Quincy Bridge and Turnpike Corporation, lay out those portions of the turnpike, ways, draws and bridges of said corporation, which are within the limits of their respective counties, as common highways, in accordance with the provisions of this act, and have and exercise the same powers relating thereto, as are now had and exercised in the laying out of turnpikes, excepting that in the allowance and payment of damages, the county commissioners of the county of Norfolk shall allow, and pay from the treasury of said county two-thirds, and the county commissioners of the county of Plymouth shall allow and pay from the treasury of that county one-third of the gross amount which may be mutually agreed upon by said boards of commissioners, before laying out, as aforesaid, said turnpike, ways, draws and bridges, as damages therefor: *provided, however,* that the town of Hingham shall refund to the county of Plymouth one-third of the sum so paid by said county, and the towns of Weymouth and Quincy, jointly, shall refund to the county of Norfolk, in such proportions as the commissioners for said county may determine, one-third of the sum so paid by that county; and excepting, also, that the said commissioners shall have the care of the repair and maintenance of said bridges, and the toll-houses hereinafter named, as is herein-
after provided for.

Apportionment
of damages.

Proviso.

Repair of bridges,
&c.

Disposal of toll-
houses.

SECTION 2. Said commissioners, jointly, are hereby authorized to purchase, receive and hold, as trustees, the toll-houses belonging to said corporation, and the land upon which said houses stand; and the purchase money for said land and

houses shall be paid by said counties, and in part refunded by said towns in the same proportions as the damages awarded by the commissioners, as provided in the first section.

SECTION 3. Said commissioners, jointly, shall have the superintendence of said bridges, and cause them to be kept in good repair, and safe and convenient for travel, with draws and passage-ways for vessels, and shall provide draw-tenders and other necessary agents, and discharge the duties hitherto incumbent upon said corporation, relative to the care and maintenance of said draws and bridges; and they shall also have the care and superintendence of said toll-houses.

Superintendence
of bridges, &c.

SECTION 4. The expenses of the repairs and maintenance of said bridges, draws and toll-houses, including the salaries of draw-tenders and other necessary agents, shall be paid by the counties of Norfolk and Plymouth, in the proportion of two-thirds by the county of Norfolk, and one-third by the county of Plymouth; and the towns of Weymouth and Quincy shall refund to the county of Norfolk one-third of the sum it pays under the provisions of this section, in the proportion of five parts by the town of Weymouth, and three parts by the town of Quincy; and the town of Hingham shall refund to the county of Plymouth one-third of the sum it pays in accordance with the provisions of this section.

Expenses of
bridges, &c.

SECTION 5. If either of said towns refuses or neglects to refund to its county the proportion of the damages and expenses for which it is liable under the provisions of this act, the same proceedings may be had to enforce payment as in the case of expenses of making highways by the commissioners when towns neglect to make the same.

Of proceedings in
case either town
refuses to refund
damages.

SECTION 6. Liability for defects in said bridges and draws shall exist on the part of the towns wherein they respectively lie, in like manner as in cases of defects in town ways; and the damages which may be recovered for such defects shall be paid by said counties, and one-half of the same refunded to them, in the same manner as the expenses of repairs and maintenance of said bridges.

Damages for de-
fects in bridges
and draws.

SECTION 7. In case the commissioners for said counties, and said corporation, do not mutually agree upon the sum to be paid to said corporation as damages for the laying out of said ways and bridges, as aforesaid, within six months from the passage of this act, then the said commissioners, jointly, shall agree upon and determine the sum to be paid to said corporation, as damages for such laying out; and the same shall be awarded as damages therefor, jointly, by said commissioners; but the same shall be allowed and paid by said counties, and refunded in part by said towns, in the

Commissioners of
award in case of
disagreement.

Proviso. proportions indicated in the first section of this act: *provided, however,* that the said corporation shall have the right of appeal to a jury from the joint award of said commissioners, in the same manner as a party aggrieved by the doings of county commissioners in the estimation of his damages, occasioned by laying out of a highway; except that the application for such jury shall be made to, and acted on by the commissioners for the county of Norfolk.

Of appeal to a jury. SECTION 8. In case of appeal to a jury from the award of said boards of commissioners, the costs properly incurred by said commissioners for Norfolk County, on account of said appeal, and the amount recovered by said corporation, as damages and costs, shall be paid by said counties and towns in the proportions specified in the first section of this act.

Duties of commissioners. SECTION 9. Said commissioners shall annually, in the month of January, file in the office of the secretary of the Commonwealth, a statement, duly verified by oath, of the amount of expenditures for repairs and maintenance in the execution of said trust during the year ending on the thirty-first day of December preceding; and the commissioners for each of said counties shall also, annually, in said month of January, notify, in writing, the clerks of each of said towns within their respective counties, of the sum due from that town to the county for its proportion of the expenses incurred under the provisions of this act.

SECTION 10. This act shall take effect from its passage.

Approved March 31, 1860.

Chap. 141 AN ACT TO AUTHORIZE THE PROPRIETORS OF BOSTON PIER, OR LONG WHARF, TO EXTEND THEIR WHARF.

Be it enacted, §c., as follows:

Limit. SECTION 1. The proprietors of Boston Pier, or Long Wharf, are hereby authorized to drive piles and extend their wharf to the commissioners' line; but no part of said wharf shall extend beyond the commissioners' line: *provided,* this act shall not impair the legal rights of any person or corporation.

Proviso. SECTION 2. Any alteration of said wharf, as authorized in the foregoing section of this act, shall be done in accordance with the provisions of the resolves concerning flats and shores belonging to the Commonwealth, passed on the sixth day of April, in the year one thousand eight hundred and fifty-nine.

Reference to resolve of 1859.

Approved March 31, 1860.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CONWAY STOCK
AND MUTUAL FIRE INSURANCE COMPANY. *Chap. 142*

Be it enacted, &c., as follows:

SECTION 1. Whenever the Conway Fire Insurance Company avails itself of the provisions of the fourth section of chapter four hundred and seventy-six of the acts of the general court of the year eighteen hundred and fifty-five, the mutual business of said company may be continued at Conway, under the name of the Conway Mutual Fire Insurance Company, subject to all the laws and restrictions, and entitled to all privileges applicable to mutual insurance companies in this Commonwealth; and thereafter said company may keep its principal office for the stock department of its business, in the city of Boston, under the name of the Conway Fire Insurance Company.

Change of name
under
conditions.

Restrictions, &c.

Location of principal office.
Title.

SECTION 2. No intermingling of the mutual and stock insurance business shall be lawful by such company, or either branch thereof, after the separation of the business of the two departments, according to the provisions of the first section of this act; but separate and distinct boards of directors and officers, shall be chosen for each branch of its business.

Departments of
business to be
distinct.

SECTION 3. This act shall take effect from its passage.

Approved March 31, 1860.

AN ACT CONCERNING THE GRAND JURORS OF THE COUNTY OF SUFFOLK. *Chap. 143*

Be it enacted, &c., as follows:

Section one of chapter one hundred and seventy-one of the General Statutes, shall not apply to the county of Suffolk; and section two of said chapter shall apply to said county exclusively.

Of grand jurors
in Suffolk County

Approved March 31, 1860.

AN ACT TO INCORPORATE THE BEVERLY MECHANICS' RAILWAY COMPANY. *Chap. 144*

Be it enacted, &c., as follows:

SECTION 1. Richard J. Preston, Richard Picket, William G. Woodbury, John Picket, their associates and successors, are hereby made a corporation by the name of the Beverly Mechanics' Railway Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Corporators.

Title.

Powers, duties,
&c.

SECTION 2. Said company are hereby authorized to build a marine railway in Beverly harbor, near the old ferry way, so called, in Beverly, and to extend the same into said harbor from the south line of Water Street, to a distance not exceeding three hundred and thirty feet; *provided, however,* that

Location and
purpose.

Proviso.

this act shall in no wise impair the legal rights of any person or corporation.

Capital. SECTION 3. The capital stock of said company shall not
Shares. exceed five thousand dollars, to be divided into shares of one
hundred dollars each. *Approved March 31, 1860.*

Chap. 145 AN ACT IN RELATION TO THE JURISDICTION OF JUDGES OF PROBATE
AND INSOLVENCY.

Be it enacted, &c., as follows :

Cases of interest. SECTION 1. No judge of probate and insolvency shall be
disqualified from acting in any case by reason of interest,
unless such interest is direct, and to the amount of one hun-
dred dollars of principal claimed by or against him, nor until
the same appears of record in the case.

SECTION 2. This act shall take effect from its passage.

Approved March 31, 1860.

Chap. 146 AN ACT TO AUTHORIZE THE CONSTITUTION WHARF COMPANY TO
EXTEND THEIR WHARF.

Be it enacted, &c., as follows :

Direction. SECTION 1. The Constitution Wharf Company is hereby
Limit. authorized to drive piles and extend their wharf towards the
Proviso. channel, to the commissioners' line; but no part of said
wharf shall extend beyond said commissioners' line: *pro-*
vided, they shall not interfere with the legal rights of any
person or corporation.

Reference to re- SECTION 2. Any alteration of said wharf, as authorized
solve of 1859. in the foregoing section of this act, shall be done in accord-
ance with the provisions of the "Resolve concerning flats
and shores belonging to the Commonwealth," passed on the
sixth day of April, in the year one thousand eight hundred
and fifty-nine.

Approved April 2, 1860.

Chap. 147 AN ACT IN RELATION TO THE POWERS OF CONSTABLES IN THE CITY
OF BOSTON.

Be it enacted &c., as follows :

Constables to serve writs, pro- SECTION 1. Any constable in the city of Boston, who shall
cesses, &c., on conditions, &c. have given to the treasurer of the city of Boston, a bond,
with sureties in a sum not less than three thousand dollars,
to the satisfaction of the said treasurer, with condition for
the faithful performance of his duties in the service of all
civil processes which may be committed to him, and shall
have caused the same, with the approval of the mayor and
aldermen of said city indorsed thereon, to be filed in the
office of the city clerk of said city, may, within the said city
of Boston, serve any writ or other process in any personal
action, and any process in replevin which constables are now

by existing provisions of law authorized to serve; and in addition thereto may serve any writ or process in any personal action or process in replevin which may be made returnable to the police court in said city of Boston: and no constable in the city of Boston shall serve any civil process until he shall have given the bond as herein provided.

SECTION 2. This act shall take effect on the second day of June next.

Approved April 2, 1860.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO BORROW MONEY TO ENLARGE THE COUNTY BUILDINGS IN EAST CAMBRIDGE.

Chap. 148

Be it enacted, &c., as follows:

The commissioners of the county of Middlesex are hereby authorized and empowered to borrow on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding twenty-five thousand dollars; the same, or such part thereof as shall be needed, to be expended by the commissioners of said county, in enlarging the house of correction at East Cambridge, if said commissioners shall so determine.

Commissioners to borrow money for enlargement of house of correction.

Approved April 2, 1860.

AN ACT TO PREVENT OFFICERS AND DIRECTORS OF MUTUAL FIRE INSURANCE COMPANIES FROM GIVING GUARANTIES AGAINST ASSESSMENTS.

Chap. 149

Be it enacted, &c., as follows:

Any officer or director of a mutual fire insurance company, who shall either officially or privately give a guaranty to any policy-holder thereof against the assessment to which he would otherwise be liable under the provisions of chapter fifty-eight of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, shall be punishable with a fine not to exceed one hundred dollars for each offence.

Prohibition of certain guaranties by officers of insurance companies.

Penalties.

Approved April 2, 1860.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NANTUCKET AGRICULTURAL SOCIETY.

Chap. 150

Be it enacted, &c., as follows:

Section second of chapter twenty-five of the acts of the year eighteen hundred and fifty-six, is hereby repealed.

Repeal.

Approved April 2, 1860.

AN ACT TO AMEND AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BROOKLINE GAS COMPANY.

Chap. 151

Be it enacted, &c., as follows:

SECTION 1. The one hundred and fourth chapter of the acts of the year one thousand eight hundred and fifty-four,

Amendment, act of 1854.

is hereby amended, by inserting after the word "Brookline," in the fourth section, the words "and Brighton;" and also by striking out the word "town," wherever it occurs in said fourth section, and inserting "towns."

Restrictions. SECTION 2. Said Brookline Gas Company shall not be authorized to lay gas pipes in any street or avenue in the town of Brighton, when authority to lay such pipes has been previously granted by the selectmen of the town of Brighton to any other company.

Approved April 2, 1860.

Chap. 152 AN ACT IN ADDITION TO AN ACT CONCERNING FANEUIL HALL MARKET IN BOSTON.

Be it enacted, &c., as follows :

Amendment. SECTION 1. The two hundred and eleventh chapter of the acts of the general court of Massachusetts for the year
Hour changed. eighteen hundred and fifty-nine, is hereby amended by striking out "ten o'clock in the forenoon," and substituting "eleven o'clock in the forenoon" therefor, in the second section of said act.

SECTION 2. This act shall take effect from its passage.

Approved April 2, 1860.

Chap. 153 AN ACT TO INCORPORATE THE HOME FOR AGED MEN.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Moses Grant, William Ropes, Albert Fearing,
Title. their associates and successors, are hereby made a corpora-
Purpose. tion by the name of the Home for Aged Men, for the pur-
Powers, duties, &c. pose of providing a home for, and otherwise assisting respect-
able, aged and indigent men; with all the powers and
privileges, and subject to all the duties, liabilities and
restrictions, set forth in the sixty-eighth chapter of the
General Statutes, passed December twenty-eighth, eighteen
hundred and fifty-nine.

Property. SECTION 2. Said corporation may, for the purposes afore-
Amount. said, hold real and personal estate to an amount not exceed-
ing one hundred and fifty thousand dollars.

Approved April 2, 1860.

Chap. 154 AN ACT TO INCORPORATE THE MALDEN SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators. Gilbert Haven, W. J. Eames, John G. Webster, Henry
Title. Barrett, Gershom L. Fall, George P. Cox, their associates
Location. and successors, are hereby made a corporation by the name
Powers, duties, &c. of the Malden Savings Bank, to be established and located
in the town of Malden; with all the powers and privileges,
and subject to all the duties, liabilities and restrictions, set
forth in the thirty-sixth chapter of the Revised Statutes, and

in all other laws of this Commonwealth relating to institutions for savings: *provided*, that at least forty per cent. of all deposits received at said bank shall at all times be invested in first mortgages on real estate in this Commonwealth, and that the treasurer shall take and record the residence and occupation of each depositor, when deposits are made.

Proviso.

Investment.

Record.

Approved April 2, 1860.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MISHAWUM LITERARY ASSOCIATION.

*Chap. 155**Be it enacted, &c., as follows :*

SECTION 1. No person under the age of eighteen years shall be eligible as a member of the Mishawum Literary Association.

Eligibility of members.

SECTION 2. So much of the third section of the acts of the year eighteen hundred and fifty-eight, chapter one hundred and one, as is inconsistent with this act, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect on and after its passage.

Approved April 2, 1860.

AN ACT TO AMEND CERTAIN FORMS OF RETURNS OF INSURANCE COMPANIES.

*Chap. 156**Be it enacted, &c., as follows :*

SECTION 1. In the thirteenth head of form B, and the fourteenth of form C, attached to chapter fifty-eight of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, the words "and in bank" are stricken out; and after the twenty-third head in form C, the following, as a distinct head or interrogatory is inserted: "Amount of cash paid for re-insurance."

Amendment to chapter 58 General Statutes.

SECTION 2. The fourteenth head of form D, is stricken out, and in lieu thereof the following is inserted, to wit: "How much included in the foregoing statements of assets consists of premium notes on policies not returned as now in force?"

Approved April 2, 1860.

AN ACT TO INCORPORATE THE WEST CAMBRIDGE FIVE CENTS SAVINGS BANK.

*Chap. 157**Be it enacted, &c., as follows :*

SECTION 1. George H. Gray, A. G. Peck, George C. Russell, William E. Parmenter, Addison Gage, Nathan Robbins, their associates and successors, are hereby made a corporation by the name of the West Cambridge Five Cents Savings Bank, to be established and located in the town of West Cambridge; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth

Corporators.

Title.

Powers, duties, &c.

Proviso.	in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings: <i>provided</i> , that at least forty per cent. of all deposits received at said bank shall at all times be invested in first mortgages in real estate in this Commonwealth, and that the treasurer shall take and record the residence and occupation of each depositor when deposits are made.
Investment.	
Record of depositors.	
Deposits of five cents.	SECTION 2. Said corporation shall receive on deposit sums as small as five cents.

Approved April 2, 1860.

Chap. 158 AN ACT TO INCORPORATE THE BACK BAY IMPROVEMENT COMPANY.
Be it enacted, &c., as follows:

Corporators.	SECTION 1. Norman C. Munson, Moses M. Jackman, Thomas Hope, John F. Gilman, Henry S. McCoombs and George G. Lobdell, their associates and successors, are hereby made a corporation by the name of the Back Bay Improvement Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eight, in the year one thousand eight hundred and fifty-nine.
Title.	
Powers, duties, &c.	
Right to hold property.	SECTION 2. Said corporation may purchase, receive, hold and convey the whole or any part of certain lands and flats situated in that part of the city of Boston known as the "Empty Basin of the Back Bay," not exceeding one hundred and fifty acres, the same being now the property of the Boston Water-Power Company; and may grade, drain, fill up with clean earth or gravel, and otherwise improve said flats, and may divide the same, or the proceeds thereof, among the stockholders, after paying the debts of the corporation.
Location.	
Extent.	
Right of improvement.	
Right to improve other property.	SECTION 3. Said corporation is hereby authorized to fill up, grade and improve the flats of any other person, corporation or parties, owners of flats in said "Empty Basin," under contracts made or to be made with said owners, upon such terms and conditions as may mutually be agreed upon; but nothing contained in this act shall be deemed or taken in any way to impair or diminish the rights of any person or corporation, or to authorize this corporation to interfere with the rights of any person or of the Commonwealth.
Restrictions.	
Capital.	SECTION 4. The capital stock of said company shall not exceed one million of dollars, divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.
Shares.	
Jurisdiction of Back Bay Commissioners.	SECTION 5. The commissioners on the Back Bay shall have and exercise the same rights, powers and duties, with

regard to all lands that may be owned or improved by said company, that they have with regard to lands in the Back Bay owned by the Boston Water-Power Company; and this act shall not be construed to impair or affect the validity of the indentures between the Commonwealth and said Water-Power Company, or other parties.

SECTION 6. This act shall not be construed as granting any rights or property other than the franchises of a corporation. Rights of Water-Power Company.

SECTION 7. This act shall take effect from its passage.

Approved April 2, 1860.

AN ACT TO AMEND AN ACT TO INCORPORATE THE MARTHA'S VINEYARD AGRICULTURAL SOCIETY.

Chap. 159

Be it enacted, &c., as follows:

Section second of the thirty-third chapter of the acts of eighteen hundred and fifty-nine, is hereby repealed. Section repealed.

Approved April 2, 1860.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DAM ACROSS HERRING RIVER IN THE TOWN OF HARWICH.

Chap. 160

Be it enacted, &c., as follows:

Isaac Baker, Sheldon Crowell, David Howes, and their associates, owners of certain swamp and meadow lands, lying in the town of Harwich, are hereby authorized to construct a dam, with a tide gate, across Herring River in said town, at or near Shubael's Bridge, for the purpose of draining and improving said lands for cultivation. Authority.

And said proprietors are hereby authorized to make such by-laws and regulations as may be necessary to carry into effect such improvements, and which shall be in conformity with the General Statutes of this Commonwealth: *provided*, said dam shall not be built so as to impair the private rights of any person or corporation. Regulations. Proviso.

Approved April 2, 1860.

AN ACT TO INCORPORATE THE TAUNTON STEAM-BOAT COMPANY.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. George Godfrey, Charles R. Atwood, J. S. Rounds, Allen Presbrey, their associates and successors, are hereby made a corporation, for the purpose of navigating with steam-boats Taunton River and the adjoining waters, under the name of the Taunton Steam-boat Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine. Corporators. Purpose. Title. Powers, duties, &c.

Estate.
Amount.
Proviso.

SECTION 2. The said corporation, for the purposes aforesaid, may hold real and personal estate not exceeding twenty-five thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECTION 3. This act shall take effect from its passage.

Approved April 3, 1860.

Chap. 162 AN ACT CONCERNING THE REGISTRY OF DEEDS IN THE TOWN OF LITTLETON.

Be it enacted, &c., as follows:

Littleton set off
to southern Middlesex district.

Records.

SECTION 1. The town of Littleton, in the county of Middlesex, is hereby set off to the southern district, in said county, for the registry of deeds; and all deeds, conveyances and other instruments, now required by law to be recorded in Lowell, shall hereafter be recorded in the office for the registry of deeds at Cambridge, in said district.

Delivery of deeds.

SECTION 2. The register of deeds for the northern district of Middlesex, shall, on demand, deliver to the custody of the register of deeds for the southern district, all the original deeds and other instruments, recorded and remaining in the office of the former, conveying or relating to land or estates situated in said town of Littleton.

Transcript of
records to be
transferred.

SECTION 3. The town of Littleton, may, at its own expense, cause to be carefully and correctly transcribed and indexed in the usual manner, in one or more books substantially bound, all records made in the registry of deeds for said northern district of Middlesex, since the thirty-first day of May, in the year eighteen hundred and fifty-six, of deeds and other instruments, conveying or relating to land or estates situated in said town; which transcripts shall be compared and duly certified by the register of deeds for said northern district, on payment therefor of the usual fee for comparing and certifying like transcripts; said transcripts, so certified, shall be deposited in the registry of deeds for the southern district of Middlesex, and shall thereafter have the same force and effect as if the same were original records deposited there.

Repeal.

SECTION 4. So much of section eighty-one of chapter seventeen of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, as constitutes the town of Littleton a part of the northern district for the registry of deeds in Middlesex County, is hereby repealed.

SECTION 5. This act shall take effect on and after the first day of June next.

Approved April 3, 1860.

AN ACT CONCERNING APPLICATIONS TO PROBATE COURTS.

Chap. 163

Be it enacted, &c., as follows:

Registers of probate and insolvency may, in their several counties, at any time, receive and have placed on file, petitions and applications to the probate court, and may issue proper orders of notice and citations thereon, in the same manner and with the same effect as the judges of said court may now do; but when the judge deems such notice insufficient, he may order such further notice as the case requires.

Certain powers
given to registers.

Approved April 3, 1860.

AN ACT CONCERNING THE REMOVAL OF CONVICTS IN HOUSES OF CORRECTION.

Chap. 164

Be it enacted, &c., as follows:

SECTION 1. In counties where there are two or more houses of correction, and the sentence of prisoners is to either of them, the sheriff, with the concurrence of the county commissioners of such county, may remove any convict, in any one of said houses, to any other within the county, whenever in the judgment of said sheriff and county commissioners, the health, reformation, safe-keeping or more profitable employment of any such convict would be promoted by such removal.

Transfer of convicts
by sheriffs.

SECTION 2. Whenever any convict is removed as aforesaid, the county commissioners, or a majority of them, shall certify their assent to such removal upon the original mittimus, or copy of the same, left with the keeper on the commitment of such prisoner; and such original mittimus or copy shall be transmitted to, and left with the keeper of the house of correction to which such prisoner is removed, with a return by the sheriff of his doings thereon, and of the expenses incurred thereby; which expenses shall be paid by the county.

Assent of county
commissioners to
removal, &c.

SECTION 3. This act shall take effect from its passage.

Approved April 3, 1860.

AN ACT TO AMEND AN ACT IN ADDITION TO AN ACT TO PUNISH FRAUD BY THE SALE OF ADULTERATED MILK, AND FOR OTHER PURPOSES.

Chap. 165

Be it enacted, &c., as follows:

SECTION 1. The fifth section of the two hundred and sixth chapter of the acts of eighteen hundred and fifty-nine, and one hundred and fifty-first section of the forty-ninth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, are hereby amended by striking out the words "breweries or," in said sections.

Amendments of
chapter 216, of
1859, and chapter
49 of General
Statutes.

Further amend-
ment of chapter
49, General Stat-
utes.

SECTION 2. Instead of the "result" of the analysis, or test, required to be preserved as evidence, by the one hundred and forty-ninth section of chapter forty-nine of said General Statutes, the inspectors shall preserve a certificate of such result, sworn to by the analyzer, or tester, and said certificate shall be admissible in evidence in all prosecutions under the provisions of section one hundred and fifty-one of said chapter.

When to take
effect.

SECTION 3. So much of the provisions of section first as relates to the acts of eighteen hundred and fifty-nine, shall take effect immediately. So much thereof as relates to the General Statutes, shall take effect on the second day of June next.

Approved April 3, 1860.

Chap. 166

AN ACT IN RELATION TO SINGLE ACTS OF DRUNKENNESS.

Be it enacted, &c., as follows :

Common drunk-
ards only, liable
to fine and im-
prisonment.

SECTION 1. No person shall be fined or imprisoned for drunkenness, except as a common drunkard, any thing in the laws of the Commonwealth to the contrary notwithstanding: *provided, however*, that police officers and constables, or other persons authorized by any city or town for that especial purpose, shall arrest and detain, until sober, persons found drunk: but no such officer shall be allowed to receive any fee or reward for or on account of any such arrest, further than shall be paid such officers for their services by the city or town in which they reside.

Penalty for re-
ceiving other
than legal fees.

SECTION 2. Any officer convicted of receiving any fee or reward for services under this act, other than such as may be paid by the authorities of the city or town, shall be fined, at the discretion of the court, not less than ten dollars.

SECTION 3. This act shall take effect on the second day of June next.

Approved April 3, 1860.

Chap. 167

AN ACT CONCERNING THE REDEMPTION OF BANK BILLS.

Be it enacted, &c., as follows :

Stockholders to
be assessed rata-
bly in certain
cases.

SECTION 1. Whenever receivers shall be appointed to close the affairs of any bank, and they shall be of opinion at the expiration of thirty days after their appointment, that the funds in their hands at the expiration of thirty days thereafter will be insufficient for the redemption of the bills of said bank, conformably to the existing provisions of law, they shall assess ratably upon all the stockholders liable therefor, an amount sufficient to make up such probable deficiency, such assessment to be approved by the court, after due notice by publication, or otherwise.

Liability of stock-
holders.

SECTION 2. The amount thus assessed shall be considered due and payable at such time and place as the court may

direct; and any stockholder refusing or neglecting to pay the same at the time and place appointed, shall be liable in an action of tort, to be brought by said receivers, for the amount so assessed, together with interest, at the rate of twelve per centum per annum while such neglect or default continues: and no such assessment shall be invalidated as regards any person who is liable by law for the redemption of such bills by reason of any omission or misstatement as to any other person.

SECTION 3. In case an assessment, made as aforesaid, proves to be insufficient or incomplete, the court may, from time to time, order any further assessments that are necessary to correct the same, or to supply the deficiency thereof.

SECTION 4. Corporations holding stock in any bank, shall be liable as other stockholders to the provisions of this act; and nothing in this act shall be construed to impair the liability of any parties who shall have transferred stock with any intent to avoid liability, nor to impair any other remedies of the bill holders, nor the right of any stockholder, who shall have been compelled to pay any debt or demand against any bank, to compel contribution against other parties liable therefor.

SECTION 5. This act shall take effect from its passage, and shall apply to pending cases. *Approved April 3, 1860.*

AN ACT TO INCORPORATE THE PEMBROKE STEAM-BOAT COMPANY.

Be it enacted, &c., as follows:

SECTION 1. William E. Coffin, Joseph H. Cotton, Lewis L. Wadsworth, Jr., and Charles T. Lynch, their associates and successors, are hereby made a corporation by the name of the Pembroke Steam-boat Company, for the purpose of establishing steam navigation between the towns of Eastport, Calais and Pembroke, in the state of Maine, and the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eight, eighteen hundred and fifty-nine.

SECTION 2. The said company are hereby authorized to build, purchase, hold and convey, one or more steam-boats, and may therewith navigate the ocean between the places designated in section first of this act.

SECTION 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company may

Court may order further assessments if necessary.

Corporations liable as individuals.

Liabilities against transferred stocks.

Chap. 168

Corporators.

Title.

Purpose.

Powers, duties, &c.

Right to hold steam-vessels and navigate the ocean.

Capital.

Shares.

Real estate.

hold real estate to an amount not exceeding twenty thousand dollars.

SECTION 4. This act shall take effect from its passage.

Approved April 3, 1860.

Chap. 169 AN ACT MAKING APPROPRIATIONS TO PAY CERTAIN EXPENSES OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Be it enacted, §c., as follows :

Appropriations for 1859, and previous years.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, upon the warrants of the governor, to meet certain expenses belonging to the year one thousand eight hundred and fifty-nine, and previous years, and for other purposes, that is to say :

For postage, &c., governor and council.

For postage, printing and stationery for governor and council, three hundred dollars.

Printing, extra session.

For printing during the extra session, two thousand five hundred dollars.

State paupers.

For the support and relief of state paupers, otherwise than in the three state almshouses and in the hospital at Rainsford Island, a sum not exceeding sixteen thousand dollars.

Reform school.

For expenses of the State Reform School at Westborough, (including expenses to the amount of fifty dollars, incident to the fire,) a sum not exceeding four thousand dollars, to be paid from the appropriation for the current expenses for the present year.

Tewksbury almshouse.

For expenses incurred during the year eighteen hundred and fifty-nine at the Tewksbury almshouse, a sum not exceeding thirteen hundred dollars.

Publication of General Laws, &c.

For the publication of the General Laws, and all other information intended for the public, published in accordance with the provisions of chapter twenty-four of the resolves of the year one thousand eight hundred and fifty-seven, during the extra session of the legislature, in the year one thousand eight hundred and fifty-nine, a sum not exceeding two hundred dollars.

Printing public documents.

For printing public documents, during the last quarter of the year eighteen hundred and fifty-nine, in accordance with chapter forty of the acts of eighteen hundred and fifty-seven, chapter forty-six of the acts of eighteen hundred and fifty-eight, chapter twenty of the acts of eighteen hundred and fifty-eight, a sum not exceeding three hundred dollars.

Commissioners concerning title to land in Plymouth County.

For compensation of commissioners appointed under chapter sixty-six of the resolves of eighteen hundred and fifty-seven, the sum of one hundred and eleven dollars seventy-

nine cents; the same to be in addition to the sum allowed in said resolve.

For sundry expenses of Rainsford Island hospital, incurred in the year eighteen hundred and fifty-nine, the sum of eight hundred and ninety dollars. Rainsford Island hospital.

For compensation of sheriffs during the year eighteen hundred and fifty-nine, a sum not exceeding fifty dollars. Sheriffs.

For expenses of Dudley and Marshpee Indians during the year eighteen hundred and fifty-nine, a sum not exceeding eighty-two dollars nineteen cents. Indians.

SECTION 2. This act shall take effect from its passage.

Approved April 3, 1860.

AN ACT CONCERNING THE DELIVERY OF CIRCULATING NOTES, BY THE AUDITOR, TO BANKS ORGANIZED UNDER GENERAL LAWS.

Chap. 170

Be it enacted, &c., as follows :

SECTION 1. Any public stock issued by the United States, either of the New England States, or any city, town or county of this state, producing five per cent. a year, may be transferred to the auditor for the purposes specified in the one hundred and seventeenth section of the fifty-seventh chapter of the General Statutes, passed the twenty-eighth day of December, in the year eighteen hundred and fifty-nine, at a rate not above its par value, nor above its current market value, with the same effect as a stock of this state producing six per cent. a year, may be so transferred. Certain public stocks transferable to auditor for redemption of circulating notes.

SECTION 2. This act shall take effect from its passage.

Approved April 3, 1860.

AN ACT TO INCORPORATE THE MARLBOROUGH SAVINGS BANK.

Chap. 171

Be it enacted, &c., as follows :

SECTION 1. Mark Fay, Thomas Corey, Samuel Boyd, Lambert Bigelow, William Morse, 2d, Levi Bigelow, their associates and successors, are hereby made a corporation by the name of the Marlborough Savings Bank, to be established and located in the town of Marlborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Corporators.
Title.
Location.
Powers, duties, &c.

SECTION 2. At least forty per cent. of all deposits in said bank, shall at all times be invested in first mortgages of real estate in this Commonwealth. Investments in mortgages.

SECTION 3. The treasurer shall take and record the residence and occupation of each depositor, when deposits are made. Record of depositors.

Approved April 3, 1860.

Chap. 172 AN ACT TO CHANGE THE BOUNDARY LINE OF THE CITIES OF BOSTON AND ROXBURY, BETWEEN SHAWMUT AVENUE AND TREMONT STREET.

Be it enacted, &c., as follows :

Boundary de-
fined.

SECTION 1. The boundary line between the cities of Boston and Roxbury is hereby altered and established as follows : beginning at the intersection of the present boundary line with the easterly side of Shawmut Avenue ; thence crossing said avenue to a point twenty-five feet distant from the south-westerly side of Hammond Street at its intersection with Shawmut Avenue ; thence parallel with the south-westerly side of Hammond Street, to the westerly side of Tremont Street ; and thence running by the westerly side of Tremont Street, till it intersects the present boundary line between the two cities ; and all the land in Roxbury north-easterly of the line hereby established, is annexed hereby to the city of Boston, and shall constitute a part of the eleventh ward thereof, until a new division of wards shall be made : *provided*, this act shall not affect the present apportionment for the choice of senators and representatives to the general court, and of councillors.

Proviso.

Act to be accept-
ed by city coun-
cils of both cities.

SECTION 2. This act shall not go into effect, until the same shall be accepted by the city councils of the cities of Boston and Roxbury.

Approved April 3, 1860.

Chap. 173 AN ACT INCORPORATING THE QUINCY POINT MARINE RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. George Thomas, Isaiah G. Whiton, Daniel H. Bills, their associates and successors, are hereby made a corporation, by the name of the Quincy Point Marine Railway Company, with power to construct and maintain a marine railway, in that part of the town of Quincy known as Quincy Point ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and to all other provisions of law applicable thereto : *provided, however*, that said railway shall not be extended towards the channel more than two hundred and twenty-five feet from the line of high-water mark, and that this act shall in no wise impair the legal rights of any person or corporation.

Object

Powers, duties,
&c.

Proviso.

Limits, &c.

Capital.

SECTION 2. The capital stock of said corporation shall not exceed ten thousand dollars, which they may invest in real and personal estate.

Approved April 4, 1860.

AN ACT TO INCORPORATE THE ORPHEUS MUSICAL SOCIETY.

Chap. 174

Be it enacted, &c., as follows :

SECTION 1. A. Kreissman, A. B. Underwood, Robert
 Gems, their associates and successors, are hereby made a
 corporation, by the name of the Orpheus Musical Society, in
 Boston, for the purpose of promoting the cultivation of
 music, and of mutual assistance and instruction ; with all
 the powers and privileges, and subject to all the duties, lia-
 bilities and restrictions, set forth in the sixtieth and sixty-
 eighth chapters of the General Statutes, passed December
 twenty-eighth, in the year eighteen hundred and fifty-nine.

SECTION 2. The said corporation may hold real and per-
 sonal estate necessary and convenient for the purposes
 aforesaid, to an amount not exceeding twenty thousand
 dollars.

Approved April 4, 1860.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBURYPORT.

Chap. 175

Be it enacted, &c., as follows :

SECTION 1. No ordinance, resolve, order or vote passed
 by the city council of said city, making an appropriation of
 money, or authorizing the payment of money from the treas-
 ury, shall be valid without the approval of the mayor, unless
 passed by a two-thirds vote of both branches of the city
 council.

SECTION 2. The mayor may receive such salary as the
 city council shall determine, which shall not be increased or
 diminished during the year for which he is elected.

SECTION 3. The board of aldermen shall consist of six,
 not more than one of whom shall reside in any one ward, to
 be chosen upon a general ticket at the annual election of
 city officers.

SECTION 4. A school committee of twelve, not more than
 two of whom shall reside in any one ward, shall be chosen
 upon a general ticket at the next annual election for city
 officers, four to serve one year, four two years, and four
 three years ; and each year thereafter, at said annual elec-
 tion, there shall be chosen four others, one from each ward
 where a vacancy occurs, to serve for three years.

SECTION 5. Three assessors of taxes, one to serve one
 year, one to serve two years, and one to serve three years,
 shall be elected by general ticket, at the next annual elec-
 tion for city officers ; and at each successive annual election
 thereafter, one assessor shall be chosen to serve three years.

SECTION 6. There shall be chosen at the annual election
 for city officers, upon a general ticket, three persons to be
 overseers of the poor.

Act to be accepted by citizens.

SECTION 7. No one of the foregoing sections shall be in force unless the same shall be adopted by the popular vote of said city, expressed by written ballot, within thirty days from the passage of this act.

Approved April 4, 1860.

Chap. 176

AN ACT CONCERNING THE HARBOR OF BOSTON.

Be it enacted, &c., as follows :

Commissioners' line.

So much of the commissioners' line established by the third section of chapter thirty-five of the acts of the year eighteen hundred and forty, as lies between the point in the ledge of rocks off against the end of Taylor's Wharf, mentioned in said act, and the north-westerly corner of the City's Jail Wharf, shall be deemed and taken as commencing at the north-west corner of Taylor's Wharf, which point is five hundred and fourteen feet from the corner on the north-westerly side of Brighton Street, and northerly side of Poplar Street ; and thence running straight to the north-westerly corner of the City's Wharf, situated west of the jail, which point is sixty-six feet westerly of Charles Street ; and the same is hereby established as the line of the channel of the harbor of Boston between said two points, beyond which no wharf or pier shall ever hereafter be extended into and over the tide water of the Commonwealth. This line is defined on a plan made by James Slade, city engineer of Boston, dated March thirtieth, eighteen hundred and sixty, and deposited in the state library.

Approved April 4, 1860.

Chap. 177

AN ACT RELATING TO THE ROXBURY GAS LIGHT COMPANY.

Be it enacted, &c., as follows :

Right to lay pipes in West Roxbury temporarily.

SECTION 1. The Roxbury Gas Light Company is hereby authorized to lay pipes through Boylston Street, into the town of West Roxbury, and to furnish gas to the owners or occupants of all buildings on the West Roxbury side of said street, until such time as the Jamaica Plain Gas Light Company shall give notice, in writing, to the said Roxbury Gas Light Company, of their readiness to furnish gas to said owners or occupants ; and the said Roxbury Gas Light Company shall have the right to continue and maintain their pipes in said street, for the purpose of supplying gas to the inhabitants on the Roxbury side of said street, and any street lamps on the northerly side thereof.

Sinking pipes.

SECTION 2. The said Roxbury Gas Light Company, with the consent of the selectmen of the town of West Roxbury, shall have power and authority to open the ground in any part of said Boylston Street, in said town, for the purpose of sinking and repairing such pipes and conductors as it

may be necessary to sink for the purpose aforesaid ; and the said company, after opening the ground in said street, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided, however*, that said selectmen for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said company, which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

Proviso.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE TO THE BOARD OF INSURANCE COMMISSIONERS.

Chap. 178

Be it enacted, &c., as follows :

There shall be allowed and paid out of the treasury of the Commonwealth, to the board of insurance commissioners, as compensation for clerical assistance employed by them in the valuation of life insurance policies, in addition to the sum appropriated for the salaries and ordinary expenses of the board, the money actually paid into the treasury by the life insurance companies, under the provisions of section sixty-four of chapter fifty-eight of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine : *provided*, such compensation shall not exceed one thousand dollars for the current year.

Additional compensation.

Proviso.

Approved April 4, 1860.

AN ACT TO CONFIRM THE ORGANIZATION AND PROCEEDINGS OF THE FIRST UNIVERSALIST SOCIETY IN ESSEX.

Chap. 179

Be it enacted, &c., as follows :

SECTION 1. The organization of the First Universalist Society in Essex, which was effected in the year eighteen hundred and twenty-nine, and all the subsequent proceedings of said society, under and by virtue of such organization, as the same are now entered as the records of the said society, in the possession of the clerk thereof for the current year, are hereby ratified, fully established and confirmed, as the acts, doings and records of a duly and legally organized corporation ; and the persons now acting as officers of said corporation, according to said records, are hereby confirmed as the lawfully constituted officers thereof, and authorized to perform all their respective official duties, until their successors be chosen and qualified ; any defects or informalities heretofore in said organization and proceedings, to the contrary, notwithstanding.

Certain proceedings legalized and confirmed.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 180 AN ACT TO INCORPORATE THE PLYMOUTH AND PROVINCETOWN STEAM-BOAT COMPANY.

Be it enacted, &c., as follows :

Corporators.	SECTION 1. Samuel H. Doten, George Simmons, Jr.,
Title.	Lysander Dunham, Charles C. Doten, Charles C. Churchill,
Purpose.	and John H. Harlow, their associates and successors, are hereby made a corporation by the name of the Plymouth and Provincetown Steam-boat Company, for the purpose of
Powers, duties, &c.	owning and running a steam-boat or steam-boats, between the aforesaid towns ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.
Capital.	SECTION 2. The capital stock of this corporation shall
Shares.	not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each. <i>Approved April 4, 1860.</i>

Chap. 181 AN ACT TO INCORPORATE THE TRUSTEES OF THE FREE CHURCH OF SAINT MARY, FOR SAILORS.

Be it enacted, &c., as follows :

Corporators <i>ex-officiis</i> .	SECTION 1. George M. Randall, rector of the church of the Messiah, Charles Mason, rector of Grace church, James A. Bolles, rector of the church of the Advent, E. M. P. Wells, rector of Saint Stephen's church, William R. Nicholson, rector of Saint Paul's church, Cyrus F. Knight, rector of Saint Mark's church, severally in Boston, and Thomas R. Lambert, rector of Saint John's church, in Charlestown, their associates and successors in office, for the time being, rectors of the above named parishes of the Protestant Episcopal Church, are hereby made a body corporate under the name of the Trustees of the Free Church of Saint Mary, for Sailors ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of associations for religious purposes, set forth in chapters thirty-two and sixty-eight of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, for the purpose of holding property, in trust, for the support of the worship of Almighty God, according to the doctrine, discipline, and worship of the Protestant Episcopal Church, in the United States of America, in a church which shall be forever free to seamen and the maritime population at the port of Boston.
Title.	
Powers, duties, &c.	
Purpose.	
Free church.	
By-laws.	SECTION 2. Said corporation may make such by-laws as are not inconsistent with the laws of the Commonwealth, for the ex-officio admission to membership therein of other persons rectors for the time being, of other churches at or near
Admission of members.	

the port of Boston, in the same manner as the above named original members.

Approved April 4, 1860.

AN ACT IN RELATION TO SIDEWALKS IN THE CITY OF ROXBURY.

Be it enacted, &c., as follows :

Chap. 182

SECTION 1. The mayor and aldermen of the city of Roxbury are hereby authorized and empowered to construct sidewalks in any of the streets in said city, and to furnish all edge stones for the same, and to assess the expense of all such edge stones upon the owners of land abutting on the sidewalks so constructed, in proportion to the length of lines of their respective estates ; and said owners shall be bound and obliged to pay the amounts so assessed : and in case any such owner or owners shall refuse to pay the amount so assessed, within such time as said mayor and aldermen shall designate, then such amount or amounts may be recovered by an action of contract, to be brought by said city of Roxbury before any court or tribunal having competent jurisdiction in the premises.

Abutting estates
liable for ex-
penses of side-
walks.

SECTION 2. All acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT TO INCORPORATE THE ASSOCIATION FOR THE RELIEF OF AGED AND DESTITUTE WOMEN IN SALEM.

Be it enacted &c., as follows :

Chap. 183

SECTION 1. John Bertram, B. H. Silsbee, John H. Silsbee, Robert Brookhouse, J. W. Peele, N. B. Perkins, James Upton, W. D. Pickman, and their associates and successors, are hereby made a corporation by the name of the Association for the Relief of Aged and Destitute Women, in Salem, for the purpose of providing for the support of aged, destitute women, not otherwise provided for ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine ; and for the purpose aforesaid, may take and hold real and personal property to an amount not exceeding one hundred thousand dollars.

Corporators.

Title.

Purpose.

Powers, duties,
&c.

Property.

Amount.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT AUTHORIZING THE CITY OF BOSTON TO LOAN ITS CREDIT OR SUBSCRIBE TO THE CAPITAL STOCK OF THE TROY AND GREENFIELD RAILROAD COMPANY.

Be it enacted, &c., as follows :

Chap. 184

SECTION 1. The city of Boston is hereby authorized, at any time within two years from the passage of this act, to

Amount of loan.

City bonds for same. loan its credit or to subscribe to the capital stock of the Troy and Greenfield Railroad Company, to an amount not exceeding five hundred thousand dollars in the whole, upon such terms as the city council of said city and the Troy and Greenfield Railroad Company shall agree; and for such purpose to issue the bonds or scrip of said city, in such form, of such description, and on such times of payment as the said city council shall determine.

Loan to be ratified by popular vote. SECTION 2. No such loan or subscription shall be made, until the terms and conditions thereof, as agreed upon by said city council and said company, have been submitted to and ratified by the legal voters of said city, at ward meetings duly notified for that purpose; which meetings shall be notified and held, and the aforesaid matters submitted and acted on, in such manner as the mayor and aldermen of said city shall prescribe.

Approved April 4, 1860.

Chap. 185 AN ACT RELATING TO THE COMPENSATION OF COUNTY COMMISSIONERS.
Be it enacted, &c., as follows:

Compensation from county treasury. SECTION 1. Instead of the compensation now paid, the county commissioners shall receive out of the treasury of such county the sum hereto annexed, which shall be in full payment for all services rendered, and travel performed by them in the discharge of their duties in their respective counties.

Time of payment. SECTION 2. Said salary shall be paid semi-annually, in January and July, and shall be divided among said commissioners in proportion to the number of days' service actually performed, and expenses actually incurred by them respectively.

Salaries. SECTION 3. Until otherwise provided by law, the commissioners of the several counties shall receive the following salaries, to wit:

County of Barnstable. The commissioners of the county of Barnstable, one thousand dollars;

Berkshire. The commissioners of the county of Berkshire, fifteen hundred dollars;

Bristol. The commissioners of the county of Bristol, fifteen hundred dollars;

Dukes. The commissioners of the county of Dukes County, two hundred dollars;

Essex. The commissioners of the county of Essex, thirty-five hundred dollars;

Franklin. The commissioners of the county of Franklin, eleven hundred dollars;

Hampden. The commissioners of the county of Hampden, sixteen hundred dollars;

The commissioners of the county of Hampshire, one Hampshire.
thousand dollars ;

The commissioners of the county of Middlesex, four Middlesex.
thousand dollars ;

The commissioners of the county of Norfolk, twenty-five Norfolk.
hundred dollars ;

The commissioners of the county of Plymouth, two Plymouth.
thousand dollars ;

The commissioners of the county of Worcester, twenty- Worcester.
eight hundred dollars.

SECTION 4. This act shall take effect from and after the
first day of July next.

Approved April 4, 1860.

AN ACT CONCERNING THE FORM OF INDICTMENT FOR PERJURY AND
SUBORNATION OF PERJURY.

Chap. 186

Be it enacted, &c., as follows :

SECTION 1. In every indictment for perjury, or for unlawfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant (if the perjury be alleged to have been committed in a criminal case) or the nature of the controversy in general terms (if the perjury be alleged to have been committed in any civil suit or proceeding) and by what court, or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the court or person before whom the offence of perjury was committed.

Offences to be
substantially set
forth, &c.

SECTION 2. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe, any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury, or other offence, in the manner herein before mentioned, and then to allege that the defendant unlawfully, wilfully, and corruptly, did cause and procure the said person

Of indictment
for subornation
&c.

Substance of the offence, &c.

the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth, or averring any of the matters or things herein before rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 187

AN ACT IN RELATION TO TRIAL JUSTICES.

Be it enacted, &c., as follows:

Designations revokable.

SECTION 1. The governor, with the advice and consent of the council, may at any time revoke the designation of any trial justice: *provided, nevertheless*, that said justices may finish any business commenced by or pending before them, and may certify copies of their records or other papers as if their designation had not been revoked.

Proviso.

Term of office.

SECTION 2. Every trial justice heretofore designated or hereafter to be designated, shall hold his office for the term of three years, and no longer, from the time of his designation, unless such designation be sooner revoked, or unless his commission as a justice of the peace shall previously expire.

Repeal.

SECTION 3. This act shall take effect on the second day of June next, and all laws inconsistent herewith are hereby repealed.

Approved April 4, 1860.

Chap. 188

AN ACT RELATING TO POLICE COURTS.

Be it enacted, &c., as follows:

Of compensation of justices and clerks.

SECTION 1. The justices and clerks of the several police courts of this Commonwealth, shall be entitled to receive their compensation now accrued and due for all services rendered prior to the time when this act takes effect, according to laws heretofore in force; but for all services hereafter rendered, they shall be paid according to the provisions of the General Statutes.

SECTION 2. This act shall take effect from the first day of June next.

Approved April 4, 1860.

Chap. 189

AN ACT RELATIVE TO PROCEEDINGS IN PROBATE COURTS.

Be it enacted, &c., as follows:

Of appeals.

The proceedings of any court of probate shall not be affected by any appeal from any decree or order thereof, hereafter or heretofore made: *provided*, the court to which

Proviso.

such appeal is taken, in accordance with the provisions of law, shall affirm such decree or order: *and provided*, the proceedings in said court of probate relative to the matter upon which such decree or order is made, shall be stayed during the pendency of such appeal. *Approved April 4, 1860.*

AN ACT TO INCORPORATE THE BERKSHIRE BANK.

Chap. 190

Be it enacted, &c., as follows:

SECTION 1. Edwin F. Jenks, L. L. Brown, S. W. Bowerman, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Berkshire Bank; to be established in the town of Adams, and village of South Adams, and shall so continue until the first day of June, in the year one thousand eight hundred and eighty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECTION 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of January, in the year one thousand eight hundred and sixty-one.

SECTION 3. The stock of said bank shall be transferable only at its banking-house and on its books.

SECTION 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking.

SECTION 5. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT TO DEFINE THE COSTS OF CRIMINAL PROSECUTIONS.

Chap. 191

Be it enacted, &c., as follows:

SECTION 1. There shall be taxed as the costs of criminal prosecutions the following specific fees and none other, except such as the court shall deem reasonable for services not herein specifically provided for, to wit:

I. To trial justices: For receiving a complaint and issuing a warrant, fifty cents; for entering a complaint, rendering judgment and recording the same, examining, allowing and taxing the costs, and filing the papers, seventy-five cents; for a mittimus for the commitment of any person, twenty-five cents; for the trial of an issue, one dollar; for

travel in the performance of any official duty, at the rate of fifty cents for every ten miles in going and returning, but only one travel shall be allowed for returning papers to any one term of court; for taking a recognizance, including principal and surety, twenty cents; for all copies, at the rate of fifteen cents a page; for every subpoena for one or more witnesses, ten cents.

Clerks of courts.

II. To clerks of courts: For the entry of an indictment, presentment, complaint or information, taxing costs and filing papers, ninety cents; for entry of an appearance, ten cents; for a continuance, twelve cents; for entering and recording a verdict, default, confession or other disposition of a case, twenty cents; for taking a recognizance, twenty-five cents; for a warrant, capias, mittimus, habeas corpus, or other special writ, twenty-five cents; for a subpoena for one or more witnesses, ten cents; for recording proceedings and judgments, at the rate of twenty cents a page; for certificate to the county treasurer of the costs in each case, twenty-five cents; for all copies, at the rate of fifteen cents a page. And the clerks of courts shall not be required to pay to the county treasurers any part of the fees received by them for making copies or records.

Witnesses.

III. To witnesses: In the supreme judicial or superior court, one dollar and twenty-five cents a day; before a police court or trial justice, fifty cents a day; for travel, five cents a mile out and home.

Justices and clerks of police courts.

IV. To justices and clerks of police courts, the same fees shall be taxed as to trial justices for the like services, the same to be accounted for as provided in the one hundred and sixteenth chapter of the General Statutes.

Sheriffs, deputies, constables, &c.

V. To sheriffs, deputy-sheriffs and constables, or other officers: For service of warrant, habeas corpus, capias or mittimus, eighty cents for each person on whom the same is served; for travel for service of the same, five cents a mile each way, but where more than one process is served upon the same defendant at the same time, no fees shall be allowed for more than one; for conveyance of prisoner when not charged as a disbursement under section two of this act, ten cents a mile one way only, in addition to the travel allowed on the process; for summoning witnesses, ten cents each, and travel five cents a mile each way, computed from the most remote place of service to the place of return; only one travel shall be allowed for the service of any one precept, and if the same precept be served on more than one person, the travel shall be computed to and from the most remote place of service; and where the travel to arrest prisoners

and the travel for summoning witnesses, is in whole or in part the same travel, allowance shall be made for such travel as has been actually performed, and no more; for copies when required by law, the same fee as is allowed to trial justices by the first paragraph of this section; for attending court before a magistrate, and keeping prisoner, one dollar a day, to be taxed only upon one warrant, if there be two or more against the same defendant at the same time. But none of the foregoing items shall be taxed in any case unless the service for which such fee is taxed is actually performed.

SECTION 2. No fees or charges other than those specified in the preceding section shall be allowed or paid to any sheriff, deputy-sheriff, jailer, (except the jailer in the county of Suffolk,) constable, or other officer, for the service of any process in criminal cases, or for the support or custody of any prisoner, or for the conveyance of any prisoner to or from any court, jail, prison, house of correction, reform school, industrial school, lunatic hospital, workhouse, almshouse, or other place, unless the expense charged shall have been actually and necessarily incurred.

Other fees not allowed unless for necessary charges.

SECTION 3. No sheriff, deputy-sheriff, jailer, constable or other officer, who receives a salary from any county, city or town, for his official services, shall be allowed or paid any fees or extra compensation whatever for any official services in any criminal case rendered or performed while such officer is entitled to salary as aforesaid; but the expenses of such officer, necessarily incurred and actually disbursed, in the service of any precept, shall be allowed and paid to him; and all fees taxed on behalf of such officer, if paid by the defendant, shall be paid to the county.

Salaried officers not entitled to fees.

SECTION 4. All charges for disbursements other than the specific fees enumerated in this act, shall be particularly set forth in the return, and shall be sworn to by the officer making the same.

Charges for disbursements.

SECTION 5. The provisions of the preceding four sections, so far as they define the fees for the service of processes, shall apply to all original precepts in criminal cases, to all processes issued during the pendency of the prosecution, to venirens and notifying jurors, to all mittimus and to state prison warrants.

Provisions of preceding sections, how applied.

SECTION 6. Whenever witnesses in criminal trials may be in attendance in two or more cases pending at the same time before the same police court or trial justice, they shall not be allowed full travel and attendance in each case, but the trial justice, or the clerk of the police court, under the

Travel and attendance of witnesses.

direction of the justice thereof, may reduce and apportion the same as may be just and equitable, allowing at least one travel and attendance.

Duty of recording officers.

SECTION 7. The clerks of police courts, the standing justices of police courts of which there are no clerks, and trial justices, shall enter all costs taxed and allowed by them in a record-book to be kept by them for that purpose, specifying the case in which the same were allowed, to whom allowed, and the several items of charge specifically; and the receipt of the person entitled thereto shall be entered upon the book when the amount thus allowed is paid.

Accounts of costs to be rendered to county treasurers.

SECTION 8. The county treasurers of the several counties shall not pay over to any justice or clerk of any police court, or to any trial justice, any costs taxed by them and allowed in cases heard before said courts or justices, until the justice or clerk of a police court, or the trial justice, shall have rendered an account in writing of all fines and costs received by him since his last return, and of all fees which have remained in his hands, unclaimed, for the space of three years after the allowance of the same.

Fees or charges of district-attorneys.

SECTION 9. No fees or charges shall be allowed or paid to any district-attorney in addition to his salary, as established by law, in any case either civil or criminal, in which the Commonwealth is a party, or for any official service, or for any assistance therein, nor to any clerk of courts or other officer whose salary, fees or compensation is established by law, for any services or assistance in criminal cases, excepting the fees established and provided by this act. Any person performing the duties properly appertaining to the office of district-attorney, clerk, or other office, whether acting *pro tempore* or as an assistant to such officer, except permanent assistant clerks where established by law, and the permanent assistant district-attorney for the Suffolk district, shall be paid by the officer in whose behalf he thus acts: *provided, however*, that the court may allow for the services of a clerk to aid the district-attorney who has no assistant during the sessions of the grand jury, such sum, not exceeding thirty dollars each term, as the court may deem reasonable; and *provided, further*, that if in any case it shall appear to the judge of the court in which the services are rendered, that there is a public exigency requiring the services to be thus performed, for which no compensation is provided by this act, such allowance may be made as said judge shall declare to be reasonable and proper, in a certificate under his own signature, setting forth particularly the nature of the exigency, the amount of services rendered,

Proviso.

Further proviso.

and the particular amount of compensation to be paid therefor.

SECTION 10. So much of chapter one hundred and seventy-six of the General Statutes, passed on the twenty-eighth of December, in the year one thousand eight hundred and fifty-nine, as requires the payment into the treasury of the Commonwealth of the costs, fines and forfeitures received in criminal prosecutions, and so much of said chapter as requires any reimbursements to the several counties from the treasury of the Commonwealth, is hereby repealed; and the costs, fines and forfeitures aforesaid, and unclaimed fees, shall be paid to and retained by the counties: *provided*, however, that no indictment or other process shall be invalidated by reason of describing any fines and forfeitures as inuring to the use of the "Commonwealth," instead of the "county," or by reason of any misstatement as to the appropriation of any fines or forfeitures. Repeal.
Proviso.

SECTION 11. This act shall take effect from and after the thirtieth day of June next. Approved April 4, 1860.

AN ACT TO PROVIDE FOR THE EXTIRPATION OF THE DISEASE CALLED
PLEURO-PNEUMONIA AMONG CATTLE.

Chap. 192

Be it enacted, &c., as follows:

SECTION 1. The governor is hereby authorized to appoint three commissioners, who shall visit without delay the several places in this Commonwealth, where the disease among cattle, called pleuro-pneumonia, may be known or suspected to exist, and shall have full power to cause all cattle belonging to the herds in which the disease has appeared, or may appear, or which have belonged to such herds since the disease may be known to have existed therein, to be forthwith killed and buried, and the premises where such cattle have been kept, cleansed and purified; and to make such order in relation to the further use and occupation of such premises as may seem to them to be necessary to prevent the extension of the disease. Commission to be appointed.
Its powers.

SECTION 2. The commissioners shall cause all cattle, in the aforesaid herds, not appearing to be affected by the disease, to be appraised before being killed, at what would have been their fair market value if the disease had not existed; and the value of the cattle thus appraised shall be allowed and paid out of the treasury of the Commonwealth to the owner or owners thereof. Appraisal of infected cattle.

SECTION 3. Any person who shall knowingly disregard any lawful order or direction of said commissioners, or who shall sell or otherwise dispose of an animal which he knows, Penalty for disregard, &c.

Penalty for sale
of infected cattle.

or has good reason to suspect has been exposed to the aforesaid disease, shall forfeit a sum not exceeding five hundred dollars.

Report of commissioners.

SECTION 4. The commissioners shall make a full report to the secretary of the board of agriculture, of their proceedings, and of the result of their observations and inquiries relative to the nature and character of the disease.

Certificates and
warrants.

SECTION 5. The commissioners shall duly certify all allowances made under the second section of this act, and other expenses incurred by them, or under their direction, in the execution of their service, to the governor and council; and the governor is hereby authorized to draw his warrant thereupon upon the treasury.

Duration of
enactment.

SECTION 6. This act shall take effect from its passage, and continue in force for the term of one year thereafter, and no longer.

Approved April 4, 1860.

Chap. 193

AN ACT ALLOWING THE BATTERY WHARF COMPANY FURTHER TIME TO ORGANIZE.

Be it enacted, &c., as follows:

Time of organization.

SECTION 1. The corporation created by chapter one hundred and twenty-six of the acts of eighteen hundred and fifty-eight, entitled "An Act to incorporate the Battery Wharf Company," may organize under said act at any time within six months after the passage of this act.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 194

AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWN OF DORCHESTER TO LAY OUT AND CONSTRUCT A TOWN WAY.

Be it enacted, &c., as follows:

Location.

Direction, &c., of
town way.

The selectmen of the town of Dorchester, in the county of Norfolk, are hereby authorized and empowered to lay out and construct a town way in the said town of Dorchester, commencing at a point at or near the place where the Old Colony and Fall River Railroad crosses Mill Street, so called, thence running eastwardly across the marshes and the tide-waters of the northerly branch or arm of the creek known as Barque Warwick Cove, to any convenient point upon Commercial Street, so called, lying northwardly of the northerly end of the bridge now standing at the mouth of the said cove: and the selectmen aforesaid, in laying out such town way, shall conform to the provisions of law for the laying out of ways within the limits of the towns in this Commonwealth, and their proceedings, so far as they have been conformable to the forms and provisions of law, are hereby established and confirmed.

Approved April 4, 1860.

AN ACT CONCERNING FRAUDULENT NOTICES OF BIRTHS, MARRIAGES
AND DEATHS.

Chap. 195

Be it enacted, &c., as follows :

Any person who shall wilfully send to the publishers of any newspaper, for the purpose of publication, a fraudulent notice of the birth of a child, or of the marriage of any parties, or of the death of any person, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars.

Penalty for fraudulent notices.

*Approved April 4, 1860.*AN ACT AUTHORIZING THE SECOND BAPTIST SOCIETY IN BEVERLY, TO
SELL THEIR PARSONAGE.

Chap. 196

Be it enacted, &c., as follows :

SECTION 1. The Second Baptist Society in the town of Beverly, is hereby authorized and empowered to sell either a part or the whole of the estate located within the said town of Beverly, which is held and possessed by them, and which has been appropriated and improved as a parsonage, consisting of a dwelling-house and wood-shed, with their appurtenances and the land under and adjoining.

Town to sell certain described property.

SECTION 2. The standing committee or trustees of the said society, for the time being, or the treasurer thereof, shall have power to deed either a part or the whole of said estate to any purchaser or purchasers.

Deed of sale.

SECTION 3. This act shall take effect from its passage.

*Approved April 4, 1860.*AN ACT IN REGARD TO THE ACCEPTANCE OF DRAFTS AND BILLS OF
EXCHANGE.

Chap. 197

Be it enacted, &c., as follows :

Any person upon whom a bill of exchange or draft is drawn which requires acceptance, shall have until two o'clock in the afternoon of the business day next succeeding the first presentation thereof, in which to decide whether or not he will accept the same: *provided, however,* that all bills of exchange or drafts which may be for cause held over one day, shall, when accepted, date from the day of presentation.

Right of acceptors.

Proviso.

Approved April 4, 1860.

AN ACT TO INCORPORATE THE PLUMMER GRANITE COMPANY.

Chap. 198

Be it enacted, &c., as follows :

SECTION 1. Israel Plummer, Chase Philbrick, and Henry S. Taft, their associates and successors, are hereby made a corporation by the name of the Plummer Granite Company, for the purpose of carrying on the business of quarrying granite in the town of Northbridge, in the county of Wor-

Corporators.

Title.

Purpose.

Location.

Powers, duties, &c. cester ; and shall have all the powers and privileges, and be subject to all the liabilities, duties and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Real and personal estate. SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, to an amount not exceeding the sum of one hundred thousand dollars, the shares in said corporation to be one hundred dollars each.

Shares.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 199 AN ACT CONCERNING IMPRISONMENT IN THE COUNTY OF SUFFOLK.
Be it enacted, &c., as follows :

Discretion of court, to sentence in certain cases.

In all cases in which the police court of the city of Boston is authorized to sentence to imprisonment in the house of correction or county jail, or commitment thereto for non-payment of fine and costs, said court may instead, at their discretion, sentence to imprisonment in the house of industry for the city of Boston, or commitment thereto.

Approved April 4, 1860.

Chap. 200 AN ACT FOR THE MORE SPEEDY FILLING OF LANDS IN THE BACK BAY.
Be it enacted, &c., as follows :

State credit.

SECTION 1. The treasurer of this Commonwealth is hereby authorized to prepare for issue, as hereinafter provided, scrip or certificates of debt in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, bearing date on the first day of May, in the year one thousand eight hundred and sixty, for the sum of five hundred thousand dollars, with coupons attached for interest at the rate of five per centum per annum, payable semi-annually, on the first days of November and May, at the office of said treasurer, and redeemable at the said office on the first day of May that shall be in the year one thousand eight hundred and eighty, which scrip or certificate shall be countersigned by the governor, and shall be deemed to be a pledge of the faith and credit of the Commonwealth for the redemption thereof ; and no part shall be sold or issued except as hereinafter provided, and the proceeds of all sales thereof shall be paid into the treasury of the Commonwealth.

Amount.

When payable.

Duty of commissioners.

SECTION 2. The commissioners on the Back Bay shall cause the filling of the lands in the Back Bay belonging to the Commonwealth, to be prosecuted with all reasonable

diligence and despatch, with the means at their disposal under existing laws, without incurring any debt or liability whatever on the part of the Commonwealth; and whenever said commissioners represent to the governor and council that the interests of the Commonwealth demand that a payment of money shall be made to the contractors for filling, for work actually done, in lieu of such other payments as are authorized by existing laws, and if it appears that the cash on hand derived from the moiety of the proceeds of sales already made is insufficient for such payment, the governor, by and with the advice and consent of the council, and upon the request of the commissioners aforesaid, and not otherwise, may direct the issue of an amount of the scrip provided in the preceding section, not exceeding fifty thousand dollars at any one time; and so much of the said scrip as may not be required for the investment of any of the trust funds belonging to the Commonwealth, shall thereupon be sold at auction in the city of Boston. The avails of all said scrip, whether issued to the trust funds or sold at auction, as aforesaid, (in the latter case deducting auctioneer's commissions and other necessary charges of sale approved and allowed by the commissioners on the Back Bay,) may be paid to the contractors for filling, in payment of their bills, approved by the commissioners on the Back Bay, and upon their order, for work actually done; and said avails are hereby appropriated for that purpose: *provided*, that the scrip itself may be issued directly to the contractors in payment of such bills, if accepted by them at a value not less than par, and not less than its market value, to be determined by the treasurer.

Issue of scrip.

Disposition of same.

Proviso.

SECTION 3. In case any issue is made of scrip, as aforesaid, to an amount exceeding fifty thousand dollars, the moiety of the proceeds of sales which by law is applicable to the purposes of improvement, after meeting only the interest on the scrip, and such specific charges as may be made in virtue of special appropriations annually made by law, together with all premiums that may be realized on the sale of scrip, shall be reserved as a sinking fund, to be applied for the redemption of the scrip herein before authorized to be issued, until said fund is equal to the amount of scrip that has been issued; after which said moiety of proceeds of sales shall be applicable to the purposes now provided by law.

Sinking fund.

SECTION 4. In case the issue of scrip does not exceed fifty thousand dollars, there shall be annually reserved from the moiety of the proceeds of sales which by law is applica-

Sinking fund

ble to the purposes of improvement, the sum of ten thousand dollars, to constitute, with the accumulating interest thereon, a sinking fund for the redemption of said scrip, until the fund is equal to the amount of the scrip which has been issued.

Sales of land at
auction.

SECTION 5. The commissioners on the Back Bay shall sell the land from time to time in such quantities, and with such conditions, as they may deem best, by public auction, first giving due notice of the time and place of sale, and submitting to the governor, for his approval, a schedule of the lots proposed for sale, with the minimum prices at which they may be offered. The terms of sale shall be not less than one-fifth cash; and the purchaser shall be entitled to a credit for a term not exceeding ten years, upon not more than four-fifths of the purchase money, making annual payments thereof, or otherwise, as the commissioners may deem best, with interest at the rate of five per cent. per annum, payable semi-annually, with notes secured by mortgage on the premises; and the lands may be conveyed by deed, according to the provisions of the resolves of the year one thousand eight hundred and fifty-seven, chapter seventy; or the commissioners may execute and deliver suitable agreements for such deeds, to be delivered when the purchase money and interest shall all have been paid. The auctioneer's commissions and other necessary charges of sales, approved and allowed by the commissioners on the Back Bay, shall be deducted from the gross proceeds before the same are paid into the treasury of the Commonwealth.

Conveyance.

Charges of sale.

Office of the com-
missioners.

SECTION 6. The commissioners on the Back Bay shall have their office in the state house, in such room as the sergeant-at-arms, with the approval of the governor, may direct; and all deeds, instruments, maps, charts, plans and other papers belonging to the Commonwealth, relating to the Back Bay and lands therein, shall be deposited in said office.

Approved April 4, 1860.

Chap. 201

AN ACT CONCERNING RAILROADS.

Be it enacted, &c., as follows:

Rights of rail-
roads connecting
with roads in
other states.

SECTION 1. Any railroad corporation existing by the laws of any other state, having occasion to use within this Commonwealth any portion of any connecting railroad belonging to any railroad corporation chartered by the concurrent legislation of this Commonwealth and of any other state or states, shall have all the rights and privileges granted by chapter one hundred and ninety-one of the acts of eighteen hundred and forty-five, and of the act in addition thereto,

being chapter two hundred and ninety-one of the acts of eighteen hundred and fifty-seven, in the same manner as if incorporated by the legislature of this Commonwealth, over such portion of said railroad as lies within this Commonwealth.

SECTION 2. That portion of any railroad which lies within this Commonwealth, owned by any railroad corporation chartered by the concurrent legislation of this Commonwealth and of any other state or states, shall be entitled to all the benefits of the railroad corporations chartered solely by the laws of this Commonwealth, and shall be subject to the same and no other liabilities except those contained in the preceding section.

Approved April 4, 1860.

AN ACT IN ADDITION TO AN ACT AUTHORIZING A LOAN OF THE STATE CREDIT TO ENABLE THE TROY AND GREENFIELD RAILROAD COMPANY TO CONSTRUCT THE HOOSAC TUNNEL.

Chap. 202

Be it enacted, &c., as follows :

SECTION 1. The Troy and Greenfield Railroad Company shall forthwith make and file in the proper offices a location of their entire road and tunnel, which location shall be made on that side or sides of the Deerfield River which will afford the most direct and eligible route between the village of Shelburne Falls and a suitable terminus in the town of Deerfield or Greenfield, to be determined by the state engineer appointed as hereinafter provided.

Location of road and tunnel.

The grades of any part of the road hereafter to be constructed shall not exceed forty feet to the mile ascending eastward, and fifty feet to the mile ascending westward; and the limits of grade and curvature of said road, included within said location, and not graded, shall be such that the maximum resistance to the passage of trains, in either direction, shall not exceed the maximum resistance in the same direction on the Fitchburg and Vermont and Massachusetts Railroads; and before any location made by the chief engineer of the Troy and Greenfield Railroad Company shall be filed, a copy of the alignment and a table of grades, verified by the oath of said engineer, shall be submitted to a state engineer appointed as hereinafter provided, who shall certify that the limits of grade and curvature herein before prescribed have not been exceeded, and the said table of grades so certified shall be filed with the location.

Grades and curvatures.

SECTION 2. No further deliveries of scrip shall be made to said company upon the conditions authorized in former acts, but the undelivered portions of the loan of two millions of dollars authorized by chapter two hundred and twenty-

Deliveries of scrip

six of the acts of eighteen hundred and fifty-four, amounting to one million seven hundred and seventy thousand dollars, shall be divided and apportioned between the railroad and tunnel, and for the construction of each, respectively; six hundred and fifty thousand dollars for the completion of the unfinished portion of railroad extending from the eastern terminus of said road near Greenfield to within half a mile of the eastern end of the Hoosac Tunnel, and one million one hundred and twenty thousand dollars for the completion of the tunnel, which shall be delivered upon the conditions and in the manner hereinafter declared, subject however to the provisions of the third section of chapter one hundred and seventeen of the acts of eighteen hundred and fifty-nine.

Bonds, mortgages, &c.

No delivery of any portion of said scrip shall be made until said company shall, at a special meeting duly authorized for the purpose, have assented to the provisions of this act, nor until said company shall have duly made and located their line of road as aforesaid, and shall have executed to the Commonwealth such further bond and mortgage, or other assurances of title on their franchise, railroad, or other property, as the attorney-general shall prescribe, for the further security of the Commonwealth; and said bond and mortgage, and other assurances, and all bonds, mortgages, or other assurances heretofore made to the Commonwealth by said company, shall have priority to and be preferred before any and all attachments or levies on execution heretofore or hereafter made.

State engineer to be appointed.

SECTION 3. The governor and council shall annually appoint a state engineer for the purpose of examining and determining monthly the amount and value of the work done, and materials delivered on the railroad and tunnel of the Troy and Greenfield Railroad Company, who shall receive an annual salary of one thousand dollars, payable quarterly. The state engineer shall forthwith fix permanent marks in each end of the Hoosac Tunnel, marking the progress of the work up to February twenty-fourth, eighteen hundred and sixty, from which to determine the progress subsequently made. He shall also determine by suitable notes, marks, or observations, the amount and value of all grading, bridging, masonry, or other work done, or iron, or other materials delivered on the road east of the Hoosac Tunnel prior to December twenty-second, eighteen hundred and fifty-nine, and fix data from which to determine the value of any work, or materials delivered subsequent to the date last named. He shall monthly, immediately after the

His duties.

first day of each month, estimate the proportion which the work done upon the road, since the preceding estimate, bears to the whole of the work required to be done in the graduation, masonry, bridging, and superstructure of said railroad east of the Hoosac Tunnel, and also the work done in the excavation of said tunnel, which he shall certify separately to the governor, together with the amount of state scrip to which the company is entitled under the provisions of this act. Such monthly estimates shall be based upon a width of road-bed at grade of fifteen feet, on embankments, seventeen and a half feet in side-cuts, and twenty feet in thorough-cuts; in the heading of the tunnel, upon dimensions fourteen feet wide and six feet high in the middle, and in the finished excavation of the tunnel of fourteen feet wide and eighteen feet high in the middle.

The deliveries of scrip shall be at the rate of fifty dollars for each lineal foot of tunnel, divided between heading and full sized tunnel, in the proportion of thirty dollars for each lineal foot of heading and twenty dollars per lineal foot for the remaining excavation; and of six hundred and fifty thousand dollars for the whole of the graduation, masonry, bridging and superstructure of the unfinished portion of the road east of the tunnel.

The scrip shall be delivered on the road in the proportion which the value of the work done and the materials delivered each month bears to the estimated cost of the whole work and materials required on the portion of road aforesaid.

No expenditures shall be required merely for the purposes of ornament, but the work shall be substantially performed, and the rails shall weigh not less than fifty-six pounds to the lineal yard: for any defective materials or work, a proportionate amount of scrip shall be withheld.

The governor and council shall have a general supervision of the work, and for that purpose shall visit and inspect the same at least once in each year, and as much oftener as they may deem expedient; and they shall have power to correct abuses, remedy defects, and enforce requirements, by withholding scrip or imposing new requirements in such manner as the interest of the Commonwealth shall in their judgment require.

If the governor, upon the receipt of the monthly estimates and certificates of the state engineer, shall approve thereof, he shall transmit the same and his approval thereon to the state treasurer, and the state treasurer shall thereupon deliver the amount of scrip so certified for, to the treasurer of the Troy and Greenfield Railroad Company, or to his

Deliveries of
scrip.

Weight of rails.

Supervision by
governor and
council.

Monthly esti-
mates and cer-
tificates.

order, subject to the provisions hereafter mentioned. If he shall not approve thereof he shall submit the same to the council, and their approval transmitted to the state treasurer as aforesaid shall authorize such delivery.

Interest on scrip. SECTION 4. The company shall at least thirty days before any interest on any State scrip delivered to said company becomes payable, transmit the amount thereof, with costs of exchange, to the treasurer of the state, and he shall in all cases and at the charge of said company, pay at maturity all interest and costs of exchange which become payable on said scrip where the same is payable; and if said interest and exchange and all interest and costs thereon, or any payments required to be made into the sinking fund, or interest thereon, or any part thereof, remain unpaid when said company becomes entitled to the next delivery of state scrip, then the state treasurer shall deduct the amount so remaining unpaid, with all costs and interest thereon, from the amount of scrip then deliverable.

Costs of exchange **Crossing of highways.** SECTION 5. The Troy and Greenfield Railroad Company may construct their railroad across the public highways at grade, in cases where the county commissioners of the county do not determine such manner of crossing to be detrimental to the public safety and convenience; but whenever they do so determine, said company shall construct the same in such manner as the county commissioners direct.

Directors of the company, how chosen. SECTION 6. The legislature shall immediately, after the passage of this act, elect two directors of the Troy and Greenfield Railroad Company, to hold their office for one year, or until others are elected by the legislature; and any city, town or corporation that may subscribe not less than one hundred thousand dollars, shall have the right to elect annually one director; and any city that may subscribe not less than five hundred thousand dollars, shall have the right to elect annually by their council two directors in said company, which election may be held at any time after such subscription is made.

Capital stock. SECTION 7. The capital stock of the Troy and Greenfield Railroad Company shall consist of twenty-five thousand shares of the par value of one hundred dollars each, in which shall be included all shares heretofore issued or subscribed for, conditionally or unconditionally, or payable in work, an accurate account of which shall be made by the company, and recorded in the records of the directors. And the residue of said shares, and all shares which may revert to said company, shall be hereafter issued only at par value, and for cash, or town or city scrip, or for the bonds of the company.

SECTION 8. The Troy and Greenfield Railroad Company is hereby authorized and required to purchase the entire road, franchise, stock, bonds, and other property of the Southern Vermont Railroad Company, together with the income, benefits and reversion of its lease to the Troy and Boston Railroad Company, and subject to its provisions, for the sum of two hundred thousand dollars; and for the purpose of enabling them to make such purchase, and transfer the same to the Commonwealth as additional security to the Commonwealth for its whole loan, a further issue and loan of state scrip in federal currency, of the description specified in chapter two hundred and twenty-six, of the acts of the year eighteen hundred and fifty-four, is hereby authorized to be made, to the amount of two hundred thousand dollars, deliverable as follows, namely:

Purchase of
Southern Ver-
mont R. R.

Scrip for said
purpose.

Whenever all the capital stock of the Southern Vermont Railroad, excepting not exceeding twenty shares, of one hundred dollars each, and one hundred thousand dollars of its mortgage bonds, with coupons attached, the whole amount being one hundred and fifty thousand dollars, payable in twenty years from the date of issue, with six per cent. interest, payable semi-annually at the Bank of Commerce, in the city of New York, and the aforesaid lease of said company to the Troy and Boston Railroad Company, together with the rent reserved therein of twelve thousand dollars per annum, payable semi-annually, shall have been transferred to the treasurer of the Commonwealth, for the future security of the Commonwealth for its whole loan of credit to the Troy and Greenfield Railroad Company, in such manner as the attorney-general shall prescribe, and to the satisfaction of the governor and council, the state treasurer shall deliver one hundred and twenty-five thousand dollars of said scrip to the treasurer of the Troy and Greenfield Railroad Company; and when the remaining portion of said bonds, with the coupons attached, shall be in like manner delivered to the state treasurer, he shall deliver to the treasurer of the Troy and Greenfield Railroad Company the balance of said scrip, amounting to seventy-five thousand dollars: *provided*, that if any holders of said bonds, not exceeding ten thousand dollars in all, shall refuse to surrender the same at par, the Troy and Greenfield Railroad Company shall not be required to purchase the same, but the state treasurer shall withhold an equal amount of state scrip at par in lieu thereof.

Further condi-
tions for delivery
of state scrip.

Proviso.

The semi-annual payments of the coupons, with the balance of the income from the lease of the Southern Vermont Railroad, shall be collected by or paid to the state treasurer, who

Semi-annual
payments of
coupons.

shall therefrom pay the interest on the two hundred thousand dollars of five per cent. scrip herein authorized to be issued, and shall pay the balance to the commissioners of the sinking fund of the Troy and Greenfield Railroad loan, to be by them from time to time invested as is now by law required.

Authority from
State of Vermont
for purchase, &c.
of S. Vt. R. R.

The Troy and Greenfield Railroad Company shall, as soon as may be after the passage of this act, procure from the legislature of the State of Vermont the requisite authority for purchasing, holding and mortgaging to the Commonwealth the franchise, railroad and property of the Southern Vermont Railroad Company, according to the provisions of this act; and in case such authority shall not be granted, and any want of security by reason thereof accrue to the Commonwealth, the governor and council shall withhold from the Troy and Greenfield Railroad Company portions of scrip constituting the last deliveries to be made on the completion of the tunnel, to such amount, not exceeding two hundred thousand dollars, as may be required for further security.

Repeal.

Proviso.

SECTION 9. All acts and parts of acts inconsistent herewith, are hereby repealed: *provided, however*, that such repeal shall not, and nothing contained in this act shall, have effect or be construed in any way to release or impair any security which the Commonwealth now has or may hereafter have by force of the bond and mortgage now held by the Commonwealth on the franchise, railroad and property of the Troy and Greenfield Railroad Company.

Approved April 4, 1860.

Chap. 203 AN ACT IN RELATION TO THE PROPRIETORS OF THE MIDDLESEX CANAL.

Preamble.

Decree of S. J.
court.

Whereas, The supreme judicial court of this Commonwealth, on the third day of October last, upon an information filed by the attorney-general pursuant to a resolve of the last legislature, by a judgment and decree, declared that the proprietors of the Middlesex Canal, or any persons pretending to hold the privileges, franchises and liberties of said corporation, do not in any manner, have, hold, use, exercise or enjoy the said privileges, franchises and liberties, under and by virtue of any authority conferred by any act of the general court of this Commonwealth, and that said proprietors of the Middlesex Canal be absolutely forejudged and excluded from having, holding, using, exercising or enjoying said franchise, privileges and liberties: Now, therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All the privileges, liberties and franchises, granted or given by the twenty-first chapter of the acts of the legislature of the year one thousand seven hundred and ninety-three, incorporating said proprietors, or by any subsequent acts in addition thereto, are hereby declared seized into the hands of the Commonwealth, forfeited and annulled in consequence of the non-feasance and mis-feasance of said corporation, and the neglect of their corporate duties, in accordance with said judgment and decree. *Approved April 4, 1860.*

Rights and privileges forfeited to Commonwealth.

AN ACT TO AUTHORIZE THE WEST CAMBRIDGE GAS LIGHT COMPANY TO EXTEND THEIR PIPES AND CONDUCTORS INTO THE TOWNS OF WINCHESTER AND BELMONT.

Chap. 204

Be it enacted, &c., as follows :

SECTION 1. The West Cambridge Gas Light Company are hereby authorized to extend their gas pipes and conductors into Winchester and Belmont, and build all necessary buildings in either of said towns; and they shall have the authority to open the ground in any part of the streets, lanes and highways in said towns, for the purpose of sinking and repairing said pipes and conductors: *provided, however*, that the selectmen of said towns respectively, for the time being, shall at all times have the power in their respective towns to regulate and control the acts and doings of said company, which may in any way or manner affect the health and safety of the inhabitants of said towns: *provided, however*, that the West Cambridge Gas Light Company shall avail itself of the privileges of this act within six months from the passage thereof.

Right to establish gas works in said towns.

Sinking pipes, &c.

Proviso.

Selectmen to control doings of said company.

Proviso.

Time limited.

SECTION 2. The capital stock of said corporation shall be increased to one hundred and fifty thousand dollars.

Increase of capital.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT CONCERNING BOSTON HARBOR.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized to remove the bridge, or any part thereof, as it shall deem the interests of navigation require, of the Midland Railroad Company, over Fore Point Channel, in the city of Boston: *provided, however*, that this section of this act shall not take effect if the said company, or any other railroad company, at their request, shall on or before the first day of October,

Grant of right to remove railroad bridge over Fore Point Channel.

Proviso.

Chap. 205

eighteen hundred and sixty, repair the said bridge, and extend the piers of its draw, and make the same convenient to navigation, in such manner as the governor and council, and the mayor and aldermen of the city of Boston shall approve: and *provided, further*, that if said city shall remove said bridge, or any part thereof, under the provisions of this section, then the right of any corporation or person to have, keep or maintain any railroad over said bridge thus removed, and between said bridge and Sea Street, in the city of Boston, shall cease, and all laws authorizing the maintenance thereof are to that extent repealed.

Further proviso. SECTION 2. The city of Boston may, while said bridge remains, erect such buoys and other structures near thereto, as the mayor and aldermen of the city of Boston shall deem necessary to the safety and convenience of navigation.

Right to erect buoys, &c. SECTION 3. In case the city of Boston shall remove said bridge, under the authority of this act, all the materials thereof shall belong to the city of Boston, to reimburse the said city for the expenses of such removal.

Bridge materials to revert to city of Boston. SECTION 4. The city of Boston is hereby authorized, with the consent of the Midland Railroad Company, and upon such terms as may be mutually agreed upon, to take the said bridge, or any portion thereof, over Fore Point Channel, belonging to said company, and appropriate the same for a public highway; and for this purpose the said city may, with the consent of the governor and council, widen, alter and straighten said bridge in such manner as it shall deem best: *provided, however*, that if said city shall lay out a highway over said bridge under the provisions of this act, the damage occasioned thereby shall be assessed in the same manner as if said railroad had not been located over the premises taken for the highway, and shall be assessed to the person entitled to the damages occasioned by the construction of said railroad over said premises.

Approved April 4, 1860.

Chap. 206

AN ACT ESTABLISHING A SYSTEM OF PUBLIC WAREHOUSING.

Be it enacted, &c., as follows:

Warehouse licenses. SECTION 1. The governor, with the advice and consent of the council, may license in any city or town in the Commonwealth suitable persons to be public warehousemen, who may keep and maintain public warehouses for the storage of goods, wares and merchandise. Each warehouseman shall give bond with sufficient sureties to the treasurer of the Commonwealth, to be approved by the governor, for the faithful discharge of his duties.

Bonds.

SECTION 2. When it appears to the treasurer, on the representation of any party interested in property stored in such public warehouse, that the keeper thereof has failed to perform his duty, the treasurer may allow the person aggrieved to bring an action on the bond; and the proceedings in such action shall, as far as may be, conform to those provided in the case of an action on the bond of an administrator.

Actions against keepers.

SECTION 3. Each warehouseman shall, when requested in writing by the party placing goods, wares and merchandise with him on storage, cause the same to be duly insured for whom it may concern, and shall issue to such owner his warehouseman's receipt therefor, negotiable in form, describing the property, and stating therein the rate of charges for warehousing said property, and the amount and rate of insurance thereon. Said receipt shall also have printed upon it a copy of this law.

Insurance of stored property.

SECTION 4. The owner's title to the property stored in a public warehouse, as above prescribed, shall pass by the delivery of the warehouseman's receipt therefor, with the owner's indorsement thereon: *provided*, notice of such indorsement is entered on the books of the warehouseman with whom the property is stored.

Title to property stored.

Proviso.

SECTION 5. A consignee of goods, wares and merchandise, with authority to sell the same, shall be deemed the owner thereof for all the purposes of this act.

Consignees of goods stored.

SECTION 6. Each warehouseman shall keep books in which shall be entered an account of all transactions relating to the warehousing, storing and insuring of goods, wares and merchandise, and the issuing of warehouseman's certificates and the indorsement thereof, which books shall be open to the inspection of any person interested in the property stored in his warehouse.

Books and acc'ts of warehouseman

SECTION 7. Due notice, at the warehouseman's expense, shall be given by the secretary of the Commonwealth, by publishing the same in one or more newspapers published in the county or town in which the warehouse may be located, and if no newspaper be published in said county, then in one or more papers in the city of Boston, not less than ten days, of the license and qualification of the warehouseman, together with the amount of bonds given by him, and also of his discontinuance as such warehouseman.

Notice of license, or of discontinuation to be published by secretary.

SECTION 8. Whoever sells, pledges, lends or in any other way disposes of, or permits or is a party to the selling, pledging, lending or other disposition of any goods, wares, merchandise, article or thing, deposited in warehouse, without the

Unlawful disposal or use of stored property, how punishable.

authority of the party depositing the same, shall be punished by a fine not exceeding five thousand dollars, and imprisonment in the state prison not exceeding three years.

Of counterfeit receipts and certificates.

SECTION 9. Whoever falsely makes, utters, forges or counterfeits, or permits, or is a party to the false making, uttering, forging or counterfeiting of any warehouse receipt, certificate or other instrument used to pass or to give any title to any property deposited in warehouse, shall be punished by a fine not exceeding five thousand dollars, and imprisonment in the state prison not exceeding three years.

Of counterfeit signatures or indorsements.

SECTION 10. Whoever falsely makes, utters, forges or counterfeits, or permits, or is a party to the false making, uttering, forging or counterfeiting of the signature of a warehouseman, or of an indorser, or of any other person, to any instrument used to pass or to give any title to any property deposited in warehouse, shall be punished by fine not exceeding five thousand dollars, and by imprisonment in the state prison not exceeding three years.

Deputy warehousemen.

SECTION 11. Any warehouseman appointed under the provisions of this act, shall have the authority to appoint one or more deputies, for whose acts the warehouseman making such appointments is to be responsible.

Fraudulent assignment of certificates.

SECTION 12. Whoever indorses or assigns or otherwise disposes of a warehouseman's certificate, after his interest in the property described in such certificate has been attached, without disclosing the attachment thereof to the person to whom such certificate shall be indorsed, assigned or disposed of, shall, if he has knowledge of such attachment, be punished by fine not exceeding five thousand dollars, and imprisonment in the state prison not exceeding three years, or by imprisonment in the common jail not exceeding one year.

Repeal.

SECTION 13. All laws and parts of laws inconsistent herewith, are hereby repealed.

Approved April 4, 1860.

Chap. 207

AN ACT IN ADDITION TO AN ACT CONCERNING THE SUFFOLK RAILROAD COMPANY.

Be it enacted, §c., as follows :

Right to run cars over ferries, and lay tracks on boats and drops.

SECTION 1. The Suffolk Railroad Company is authorized by consent of the mayor and aldermen of the city of Boston, to run their cars over each of the ferries to East Boston, and for that purpose may lay on the ferry boats of the East Boston and People's Ferry Companies and the drops leading thereto, respectively, suitable tracks with the usual appurtenances thereto, for such rates of compensation as may be mutually agreed upon with each of said ferry companies; or

Compensation.

in case of disagreement with either of said companies, as to such rates of compensation, the same shall be fixed by said mayor and aldermen of said city of Boston.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect from and after its acceptance by said Suffolk Railroad Company.

Approved April 4, 1860.

AN ACT TO REVIVE AND AMEND AN ACT TO INCORPORATE THE FALL RIVER AND WARREN RAILROAD COMPANY.

Chap. 208

Be it enacted, &c., as follows :

SECTION 1. The act approved March seventeenth, eighteen hundred and fifty-seven, entitled "An Act to incorporate the Fall River and Warren Railroad Company" is hereby revived. Act of 1857
revived.

SECTION 2. The time limited in the fifth section of said act within which the location of said railroad should be filed, is hereby extended to the first day of May, eighteen hundred and sixty-one; and the time in said section limited, within which said railroad should be constructed and completed, with at least one track, is hereby extended to the first day of May, in the year eighteen hundred and sixty-three. Time of location
extended.

Construction.

Approved April 4, 1860.

AN ACT CONCERNING BANKS AND BANKING.

Chap. 209

Be it enacted, &c., as follows :

SECTION 1. Every bank of a capital stock of five hundred thousand dollars and upwards, shall have not less than nine directors, and no person shall be a director who is not the owner of at least five shares in the bank. Of directors.

SECTION 2. No bank shall make any loans or discounts to any manufacturing corporation whose cashier, treasurer, or financial officer is also cashier of said bank. Loans to officers.

SECTION 3. Every bank going into operation, and all banks now in operation which shall procure new plates, shall issue no bills except from plates specially engraved for such bank. Plates.

SECTION 4. Every bank procuring new plates shall have the design thereof copyrighted for the use and the benefit of the bank, and the copyright shall be secured in conformity with the laws of the United States. Copyright.

SECTION 5. All such plates shall be in the actual custody of the bank to which they belong, and shall not be removed except temporarily for the purpose of printing the bills of said bank, and under the supervision of some person to be appointed by the bank for that purpose. Custody of plates.

Custody of property in case of injunction.

SECTION 6. Whenever any bank shall be hereafter enjoined, either temporarily or perpetually, by the supreme judicial court, said court may in its discretion, make suitable orders relative to the custody of the plates and other valuable property of such bank.

Of general plates, used in common.

SECTION 7. Every bank which now issues bills from any general plate, used in common with any other bank in the United States, shall procure new plates as provided in this act, or withdraw from circulation the denomination of notes printed from such general plate, within two years from the passage hereof.

SECTION 8. Sections first and second of this act shall take effect from and after October first, eighteen hundred and sixty.

Repeal.

SECTION 9. All acts and parts of acts inconsistent with this act, are hereby repealed.

Approved April 4, 1860.

Chap. 210 AN ACT CONCERNING THE SUPREME JUDICIAL COURT FOR THE COUNTIES OF MIDDLESEX, ESSEX, AND BRISTOL.

Be it enacted, &c., as follows :

Yearly terms, when to be held.

SECTION 1. Additional jury terms of the supreme judicial court shall be held by a single justice every year at the times and places following: for the county of Middlesex, at Cambridge, on the third Tuesday of October; for the county of Essex, at Salem, on the first Tuesday of November; for the county of Bristol, at Taunton, on the third Tuesday of April.

Jury terms in Bristol, where to be held.

SECTION 2. The jury term of the said court for the county of Bristol, now required by law to be held in alternate years at New Bedford and Taunton, shall be held every year at New Bedford, on the second Tuesday of November.

Pending causes

SECTION 3. All causes pending in said court, and all processes returnable to the same in the county of Bristol, shall be returned to, entered and have day in said court, at the next term thereof, to be held in and for said county: *provided*, that in no cause shall a default be entered until fourteen days after written notice has been given to a defendant of the above change in the return term.

Proviso.

Repeal.

SECTION 4. All acts in the general laws taking effect on the first of June next, inconsistent herewith, are repealed.

SECTION 5. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 211 AN ACT IN RELATION TO THE FLOWAGE OF THE MEADOWS ON CONCORD AND SUDBURY RIVERS.

Be it enacted, &c., as follows :

Commis'srs to reduce level of dam

SECTION 1. The governor is hereby authorized to appoint, with the advice and consent of the council, three commis-

sioners, who shall have power and authority to take down and remove the dam across the Concord River at North Billerica, erected by the proprietors of the Middlesex Canal, to a level thirty-three inches below the top of an iron bolt in a rock marked on plan number two, annexed to the report of the committee of the legislature of eighteen hundred and fifty-nine, on the Sudbury meadows, at any time after the first day of September next; and when the same is so removed it shall not be again rebuilt.

SECTION 2. Any person injured in his property by the removal of such portion of said dam, may apply to the county commissioners for Middlesex County to estimate his damages occasioned thereby; and the proceedings thereon shall be the same as are now by law provided in the case of damages occasioned by the laying out of highways, except that notice of the application shall be served on the attorney-general of the Commonwealth fourteen days at least before the time appointed for the hearing; and he shall thereupon appear and answer to such application in behalf of the Commonwealth. Either party aggrieved by the decision of the county commissioners shall be entitled to have a jury to determine the matter, if applied for at the meeting at which the decision of the commissioners is rendered, or at the next regular meeting thereafter, but not afterwards; and the proceedings thereon shall be the same as are now provided in the case of highways.

SECTION 3. Any damages that may be recovered on such application, together with legal costs, shall be paid out of the treasury of the Commonwealth; and the governor is hereby authorized to draw his warrant therefor.

SECTION 4. The removal of such portion of said dam, under this act, shall operate as a bar to any suits by the proprietors of lands flowed by said dam for any damages sustained thereby, and may be pleaded and proved as such in any court.

SECTION 5. The commissioners appointed by the governor shall, after said dam is taken down as provided in this act, cause a permanent mark of the height thereof to be made, and a plan and description of the height thereof to be made and recorded in the registry of deeds for Middlesex County at Cambridge and Lowell; and the services and expenses of the commissioners shall be paid out of the treasury of the Commonwealth, and the account shall be audited and allowed in the manner now provided for by law.

SECTION 6. The supreme judicial court, or any justice thereof, shall have power to set aside any verdict rendered

Of damages.

Payment for damages recovered.

Suits for damages

Further duty of commissioners.

Services and expenses of commissioners.

Of excessive damages.

under this act, upon the petition of either party thereto for the reason that the damages are excessive, or for any legal cause, and exceptions may be taken to the rulings in matters of law by either party, at any trial under this act, which exceptions shall be decided by the supreme judicial court as in other cases.

Approved April 4, 1860.

Chap. 212 AN ACT MAKING APPROPRIATIONS FROM THE INCOME OF SEVERAL TRUST FUNDS THEREIN MENTIONED, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

- School fund, 1860.** SECTION 1. The sums hereinafter mentioned in this section, are appropriated and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, on the warrant of the governor, for the year one thousand eight hundred and sixty:
- Normal schools.** For the support of the four state normal schools, for the current year, under the direction of the board of education, the sum of fourteen thousand five hundred dollars.
- Mass. Teachers' Association, on condition.** For the Massachusetts Teachers' Association, the sum of three hundred dollars, on condition that said association shall furnish a copy of the Massachusetts Teacher to each school committee in the several cities and towns of the state, during the year eighteen hundred and sixty, and furnish satisfactory evidence thereof to the auditor of the Commonwealth.
- The same.** For the Massachusetts Teachers' Association, the sum of three hundred dollars, to be paid to the president or treasurer of the association during the month of August, to be applied to the purposes of said association.
- Amer. Institute of Instruction.** For the American Institute of Instruction, the sum of three hundred dollars, the same to be paid to the president or treasurer of said institute in the month of August next.
- Board of education, expenses.** For postage, printing, advertising, stationery, meteorological observations, and all other incidental expenses of the board of education, or of the secretary thereof; also for preparing and printing a hand-book for the use of school committees, teachers, and others, comprising and illustrating the law in relation to public instruction as it will be in force on and after the first day of June, in the year one thousand eight hundred and sixty; and also for any contingent expenses of the normal schools, not otherwise herein provided for, a sum not exceeding six thousand dollars.
- Secretary board of education.** For the salary of the secretary of the board of education, two thousand dollars.
- Ass't-librarian and clerk.** For the salary of the assistant-librarian and clerk of the secretary of the board of education, one thousand five hundred dollars.

To pay such sums as may be actually due and outstanding for the support of agents of the board of education, heretofore employed, a sum not exceeding six hundred dollars.

Agents of the board.

For teachers' institutes, in accordance with the acts of the year one thousand eight hundred and forty-six, chapter ninety-nine, twenty-one hundred dollars.

Teachers' institutes.

For the support of state scholarships, in accordance with the acts of the year one thousand eight hundred and fifty-three, chapter one hundred and ninety-three, four thousand eight hundred dollars.

State scholarships.

For aid to attendants in the state normal schools, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-two, a sum not exceeding four thousand dollars.

Attendants in state normal schools.

For the expenses of the secretary of the board of education, in accordance with the acts of the year one thousand eight hundred and forty-nine, chapter two hundred and fifteen, section three, a sum not exceeding four hundred dollars.

Secretary board of education, expenses.

For expenses of the members of the board of education, in accordance with the acts of the year one thousand eight hundred and thirty-eight, chapter fifty-five, a sum not exceeding two hundred dollars.

Members of the board, expenses.

For the support of certain Indian schools, in accordance with the Revised Statutes, chapter twenty-three, section sixty-eight, one hundred dollars; in accordance with the acts of the year one thousand eight hundred and thirty-eight, chapter one hundred and fifty-four, one hundred and forty dollars; in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter thirty-five, one hundred and sixty-five dollars; in accordance with the resolves of the year one thousand eight hundred and fifty-six, chapter twenty-eight, one hundred and four dollars; chapter thirty-four, sixty dollars; making in the aggregate five hundred and sixty-nine dollars.

Indian schools.

For county associations of teachers, in accordance with the acts of the year one thousand eight hundred and forty-eight, chapter three hundred and one, a sum not exceeding six hundred dollars.

County associations of teachers.

In aid of the Westfield and Salem normal schools, and for other purposes, the sum of five thousand five hundred dollars, the same to be paid out of the moiety of the income of the school fund applicable to educational purposes.

Westfield and Salem normal schools, &c.

SECTION 2. The income of the Indians' school fund shall be applied according to the provisions of the acts of the year one thousand eight hundred and thirty-seven, chapter eighty-five, section seven.

Indians' school fund, income how applied.

- Todd Normal School Fund. SECTION 3. The income of the Todd Normal School Fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board.
- Rogers Book Fund. SECTION 4. The income of the Rogers Book Fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year one thousand eight hundred and fifty-seven.
- Charles River and Warren Bridges Fund. SECTION 5. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the Charles River and Warren Bridges Fund, for the year one thousand eight hundred and sixty, that is to say :
- Repairs. For repairs on said bridges and the buildings belonging thereto, a sum not exceeding one thousand five hundred dollars.
- Draw-tenders. For the compensation of the draw-tenders on said bridges, in conformity with an act of the year one thousand eight hundred and fifty-nine, entitled "An Act concerning the Agent and Draw-Tenders of Charles River and Warren Bridges," a sum not exceeding two thousand one hundred dollars.
- Horse-keeping. For horse-keeping, a sum not exceeding three hundred dollars.
- Fuel and lights. For gas, oil, fluid and fuel, a sum not exceeding eight hundred dollars.
- Incidentals. For incidental expenses, a sum not exceeding three hundred dollars.
- Essex Bridge. SECTION 6. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the moneys arising from the tolls collected on the Essex Bridge, for the year one thousand eight hundred and sixty, that is to say :
- Agent. For the salary of the agent of said bridge, the sum of two hundred and fifty dollars.
- Toll gatherers and draw-tenders. For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding six hundred dollars.
- Repairs and maintenance. For the repair and maintenance of said bridge, a sum not exceeding two thousand dollars.
- Lights. For gas, oil and fluid, a sum not exceeding two hundred and fifty dollars.
- Incidental. For incidental expenses, a sum not exceeding fifty dollars.
- Tolls to be paid into treasury. And all moneys arising from the tolls on said bridge shall be paid into the state treasury.
- Interest and surplus of funds. SECTION 7. In all cases for which no other provision is made by law, the income or any surplus thereof of all funds

belonging to, or in the custody of the Commonwealth, shall be added to the principal.

SECTION 8. This act shall take effect from its passage.

Approved April 4, 1860.

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 213

Be it enacted, §c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified in certain acts and resolves, for the present year, herein cited, as follows, namely :

Appropriations,
1860.

In the resolve, chapter eleven, in favor of Benjamin Smith, a soldier of the revolution, one hundred and fifty dollars.

Benjamin Smith.

In the resolve, chapter five, in favor of Ansel Wright, one hundred and forty-four dollars and sixteen cents.

Ansel Wright.

In the resolve, chapter three, in favor of Asher Joslin, guardian of the Dudley Indians, one hundred and twenty-eight dollars and sixteen cents.

Guardian Dudley
Indians.

In the resolve, chapter six, in favor of Jonathan Day, one hundred and twenty dollars and twelve cents.

Jonathan Day.

In the resolve, chapter fourteen, respecting certain appropriations for the Dudley, Troy and Marshpee Indians, a sum not exceeding sixteen hundred and fifty dollars.

Dudley, Troy and
Marshpee Indi-
ans.

In the resolve, chapter ten, in aid of the Massachusetts Charitable Eye and Ear Infirmary, the sum of two thousand five hundred dollars.

Eye and ear in-
firmary.

In the resolve, chapter seventeen, allowing compensation for clerical assistance for preparing copy, &c., for editing the General Statutes and reporting for committees, two thousand five hundred dollars.

Editing General
Statutes, &c.

In the resolve, chapter twenty-nine, in favor of Sally Burr, the sum of fifty-two dollars.

Sally Burr.

In the resolve, chapter twenty, in favor of Martin Stiles, eighty dollars fifty-five cents.

Martin Stiles.

In the resolve, chapter twenty-one, in favor of the town of Norton, the sum of two hundred and thirty dollars.

Town of Norton.

In the resolve, chapter thirty-three, in favor of the town of Webster, one hundred dollars.

Town of Webster.

In the resolve, chapter twenty-four, in favor of Rebecca B. Davis, the sum of fifty dollars.

Rebecca B. Davis

In the resolve, chapter twenty-three, in favor of Charles Brigham, the sum of one hundred and sixty dollars and six cents.

Charles Brigham.

- New Bedford Woman's Relief and Reform Association. In the resolve, chapter thirty-nine, in favor of the New Bedford Woman's Relief and Reform Association, a sum not exceeding fifteen hundred dollars.
- Land for Monson almshouse. In the resolve, chapter twenty-seven, in relation to the purchase of land for the state almshouse at Monson, two hundred dollars.
- Agricultural exhibition. In the resolve, chapter forty, in relation to a state agricultural exhibition, three thousand dollars.
- Suppression of counterfeiting. In the resolve, chapter twenty-six, granting aid for the suppression of counterfeiting bank bills and coin, fifteen hundred dollars.
- West Springfield. In the resolve, chapter twenty-two, in favor of the town of West Springfield, two hundred and six dollars and fifty-two cents.
- Wm. C. Brown, register. In the resolve, chapter eighteen, in favor of William C. Brown, Register of Probate and Insolvency for Suffolk County, the sum of nine hundred and fifteen dollars fifty-three cents.
- Town of Middleton. In the resolve, chapter thirty-one, in favor of the town of Middleton, one hundred and twenty-five dollars.
- Charlotte E. Myers. In the resolve, chapter thirty-eight, in favor of the guardian of the Punkapoag tribe of Indians, for the benefit of Charlotte E. Myers, the sum of fifty-two dollars.
- Polly Crowd. In the resolve, chapter forty-one, in favor of the guardian of the tribe of Punkapoag Indians, for the benefit of Polly Crowd, the sum of fifty-two dollars, the same to be in addition to money to be paid said Polly Crowd, under a resolve of the year eighteen hundred and fifty-three.
- Repairs, &c., state house. In the resolve, chapter thirty-two, in relation to certain repairs and improvements upon the state house, a sum not exceeding eight hundred dollars, the same to be in addition to any former appropriation the present year.
- Augustus W. Lothrop. In the resolve, chapter forty-nine, for repairs at the state house, twelve hundred and eighteen dollars thirty-three cents.
- Warwick Palfrey. In the resolve, chapter thirty-seven, in favor of Augustus W. Lothrop, the sum of two hundred and twenty-five dollars.
- John C. Willey. In the resolve, chapter twenty-eight, in favor of Warwick Palfrey, of Lynn, the sum of two hundred and fifty-one dollars forty-five cents.
- Back Bay commissioners. In the resolve, chapter twenty-five, in favor of John C. Willey, the sum of one hundred and seventy-two dollars forty-nine cents.
- For compensation of the commissioners on the Back Bay, a sum not exceeding two thousand dollars.

For clerk hire to said commissioners, a sum not exceeding one thousand dollars. Clerk hire.

For contingent expenses of said commissioners, a sum not exceeding three thousand dollars; said sums to be paid from the moiety of the proceeds of sales already made, which by the resolves of the year one thousand eight hundred and fifty-seven, chapter seventy, is applicable to improvements; and the residue of said moiety shall be subject to the provisions of said chapter seventy. Contingent expenses.

For valuation blanks, a sum not exceeding seven hundred dollars. Valuation blanks

For expenses of repairs and alterations at Rainsford Island hospital, the current year, a sum not exceeding five hundred dollars. Rainsford Island hospital.

For printing and binding the General Statutes, as authorized by law, a sum not exceeding six thousand five hundred dollars. Printing, &c., General Statutes.

For the salaries of the justices of police courts, eighteen thousand and twenty-five dollars. Justices police courts.

For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, eight thousand four hundred dollars. Clerks of police courts.

In the resolve, chapter forty-four, in favor of Wright Stratton, the sum of thirty dollars thirty-four cents. Wright Stratton.

For expenses of preparing statistics, exhibiting the progress of the Commonwealth, under chapter thirteen of the resolves of the present year, a sum not exceeding two thousand five hundred dollars. State statistics.

For bounties to agricultural societies, in addition to former appropriations, a sum not exceeding eighteen hundred dollars. Agricultural societies.

In the resolve, chapter thirty-five, providing for certain expenses relating to Essex Bridge, to enable the agent to extend a pier, a sum not exceeding twenty-five hundred dollars. Essex Bridge.

In the resolve, chapter sixty-one, in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, a sum not exceeding twenty-five hundred dollars; the same to be in addition to any former appropriation the current year. School for idiots.

For fees of witnesses before committees, a sum not exceeding five hundred dollars, to be in addition to a former appropriation of the current year. Fees of witnesses.

For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills Clerks of committees.

for such assistance, the same having been approved by the chairmen of such committees, or other member authorized by the committee to certify such accounts.

Washingtonian
Home.

In the resolve, chapter fifty-eight, in favor of the Washingtonian Home, a sum not exceeding three thousand dollars.

Increase N.
Emerton.

In the resolve, chapter fifty-one, in favor of Increase N. Emerton, fifty dollars.

State prison.

In the resolve, chapter forty-nine, in relation to the state prison, for repairs occasioned by the fire, the sum of one thousand and eighteen dollars thirty-three cents; for new steam-boilers, one thousand nine hundred and sixteen dollars eighty-six cents; for apparatus to manufacture gas, two thousand five hundred dollars; for painting and incidental repairs, one thousand dollars; for the library, two hundred dollars.

Wesleyan Acad-
emy.

In resolve, chapter forty-five, in favor of Wesleyan Academy, the sum of twenty-two thousand dollars.

Thayer and War-
ren.

In the resolve chapter fifty-nine, on the petition of Thayer and Warren, the sum of one hundred and ninety dollars.

Arad Denison.

In the resolve, chapter fifty-six, in favor of Arad Denison, the sum of fifty dollars.

Martin Wheelock

In the resolve, chapter sixty, in favor of Martin Wheelock, the sum of twenty dollars.

Register of insol-
vency, Dukes Co.

For the salary of the register of insolvency of the county of Dukes County, the sum of seventy-five dollars, in addition to any former appropriation the current year.

Town of Windsor.

For furnishing the town of Windsor with a set of standard weights, measures and balances, the sum of one hundred and fifty dollars.

Town of Acush-
net.

In the resolve, chapter sixty-three, in favor of the town of Acushnet, the sum of two hundred and fifty dollars.

Publication Gen-
eral Statutes.

In the resolve, chapter sixty-two, to pay for superintending the publication of the General Statutes, the sum of three thousand eight hundred and fifty dollars.

Cha's Mattoon.

In the resolve, chapter fifty-four, in favor of Charles Mattoon, the sum of two hundred and seventy-five dollars.

County treas-
urers.

In the resolve, chapter fifty-two, in favor of certain county treasurers, the sum of seven hundred and forty dollars.

Valuation com-
mittee.

For the compensation of the valuation committee appointed to sit during the recess, thirteen thousand dollars; for contingent and incidental expenses of said committee, a sum not exceeding three thousand five hundred dollars.

Engineer for ship
canal, Barnstable
and Buzzard's
Bay.

For compensation and expenses, including payment of services of engineer and all other assistants of the committee appointed under the resolve concerning a ship canal to

connect Barnstable Bay and Buzzard's Bay, a sum not exceeding two thousand five hundred dollars.

In the resolve in relation to the nautical branch of the state reform school, five thousand dollars. Nautical branch reform school.

In the resolve in favor of Barnard C. Marchant, thirty-seven dollars. Barnard C. Marchant.

In the resolve, chapter forty-three, in favor of the Herring Pond Indians, three hundred dollars. Herring Pond Indians.

In the resolve, chapter thirty, in favor of Timothy P. Wright, seventy-five dollars thirteen cents. Timothy P. Wright.

For binding annual railroad reports, agreeably to provisions of chapter two hundred and sixty-two of the acts of eighteen hundred and fifty-nine, two hundred dollars. Railroad reports.

To reimburse the several counties two-thirds of the costs of criminal prosecutions taxed prior to the thirtieth day of June next, inclusive, after deducting the fines, forfeitures and costs accruing in such counties, prior to said day, inclusive, according to existing laws, a sum not exceeding one hundred thousand dollars; which sum, or so much thereof as may be necessary, may be paid from the treasury of the Commonwealth, subsequent to said date, any thing in the "Act to define the costs of criminal prosecutions," passed at the present session, to the contrary notwithstanding. Counties, for criminal costs.

For furnishing the new house of the state industrial school for girls, a sum not exceeding one thousand dollars. Industrial school

In the resolve, chapter fifty-three, in favor of the state lunatic hospital at Northampton, the sum of five thousand eight hundred dollars. Northampton lunatic hospital.

The sum appropriated for the transportation of state paupers from the several hospitals and almshouses, may also be expended by the board of alien commissioners, agreeably to the provisions of chapter eighty-three of the acts of the present year. Transportation state paupers, &c.

All bonds and mortgages held by the Commonwealth, as investments of the several sinking funds, shall be stamped on the face of each bond and mortgage as "the property of the Commonwealth," and with the title of the fund the same is held for. The treasurer and receiver-general shall procure, as soon as may be, a suitable stamp for each fund, and cause all such bonds and mortgages to be distinctly so stamped. Stamps for bonds and mortgages.

SECTION 2. This act shall take effect from and after its passage.

Approved April 4, 1860.

R E S O L V E S,

GENERAL AND SPECIAL.

RESOLVE ON THE PETITION OF LAURA D. WINTHROP, FOR LEAVE TO *Chap. 1.*
SELL REAL ESTATE.

Resolved, For reasons set forth in said petition, that Laura D. Winthrop, wife of Robert C. Winthrop, of Boston, in the county of Suffolk, Esquire, be, and hereby is, authorized to sell at public auction or private sale, as may seem to her expedient, the premises described in said petition, being situate in said Boston, bounded as follows, viz.: South-easterly on Harrison Avenue, there measuring about ninety-five feet; north-easterly on Dedham Street, fifty feet; north-westerly on land of persons unknown, ninety feet; and south-westerly on Hamburg Street, fifty-nine feet, or however otherwise bounded; and to execute and deliver to the purchaser a deed thereof in fee simple, and to invest the proceeds of such sale in other real estate, or in personal securities, to be held by the said Laura D. Winthrop, upon the trusts and for the uses and purposes set forth in the will of Arnold F. Welles, late of said Boston, Esquire, deceased: *provided*, that said Laura D. Winthrop shall first give a bond to the judge of probate and insolvency for the county of Suffolk, with surety or sureties satisfactory to him, conditioned faithfully to hold, apply and dispose of the net proceeds of such sale, and to act in making said sale, according to law and the provisions of the will above mentioned.

Approved February 3, 1860.

RESOLVE ON THE PETITION OF THE TRUSTEES OF THE BOSTON STREET *Chap. 2.*
METHODIST EPISCOPAL SOCIETY, IN LYNN.

Resolved, For reasons set forth in said petition, that the trustees of the Boston Street Methodist Episcopal Society, in Lynn, in the county of Essex, be, and they are hereby authorized and empowered to mortgage, in such way and manner as they shall deem proper, the lot of land with the

meeting-house thereon standing, in Boston Street, in said Lynn, belonging to said society, or to trustees for their benefit, for the purpose of raising money to pay debts which have been or shall be contracted by said society in altering, repairing and enlarging their said meeting-house, and to pay any other debts which have been or shall be incurred by them; said mortgage to be for a sum not exceeding four thousand dollars; and the same shall be a good and valid conveyance in mortgage of said estate, discharged from all trusts declared and contained in the deeds under which they hold said land.

Approved February 8, 1860.

Chap. 3.

RESOLVE IN FAVOR OF ASHER JOSLIN, GUARDIAN OF THE DUDLEY INDIANS.

Allowance for expense of support of Dudley Indians.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Asher Joslin, guardian of the Dudley Indians in the town of Webster, the sum of one hundred and twenty-eight dollars and sixteen cents, for expenses incurred by him and money expended for the support of said Indians, as set forth in his petition of January eleventh, in the year eighteen hundred and sixty.

Approved February 20, 1860.

Chap. 4.

RESOLVE FIXING THE SALARY OF THE SERGEANT-AT-ARMS FROM THE FIRST DAY OF JANUARY, IN THE YEAR EIGHTEEN HUNDRED AND SIXTY, TO THE FIRST DAY OF JUNE, IN THE SAME YEAR.

Amount of salary for five months.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the sergeant-at-arms, the sum of eight hundred and thirty-three dollars and thirty-three cents; the same to be in full for his salary from the first day of January, in the year eighteen hundred and sixty, to the first day of June in the same year.

Approved February 20, 1860.

Chap. 5.

RESOLVE IN FAVOR OF ANSEL WRIGHT.

Allowance for expenses of a suit arising from execution of liquor law.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the sum of one hundred and forty-four dollars and sixteen cents, to Ansel Wright, for indemnification for costs and expenses incurred in defence of a suit against him as an officer executing the law of eighteen hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors."

Approved February 24, 1860.

Chap. 6.

RESOLVE IN FAVOR OF JONATHAN DAY.

For defence of suit.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the sum of one hundred and

twenty dollars and twelve cents, to Jonathan Day, of Worcester, for expenses and costs incurred in defence of a suit against him as an officer executing the law of eighteen hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors."

Approved February 24, 1860.

RESOLVE ON THE PETITION OF CHRIST CHURCH, IN QUINCY.

Chap. 7.

Resolved, That Levi White and A. F. Pollock, wardens of the parish of Christ Church, in Quincy, in the county of Norfolk, and their successors in office, be, and are hereby authorized to sell either at public or private sale, and to make, execute, acknowledge and deliver a deed or deeds to convey the whole or any part of the real estate belonging to said parish, and commonly known as the Glebe, situated on Elm Street, so called, in Quincy aforesaid, and containing six acres, more or less, being the same premises conveyed by Thomas Alleyne to William Vesey and Oliver Gay, wardens of said church, their successors and assigns, forever, by deed dated April second, in the year seventeen hundred and sixty-five, recorded with Suffolk Deeds, lib. one hundred and four, fol. one hundred and thirty-eight, so that the grantee or grantees hold the said premises free and discharged from any and all trusts relating to the same: *provided*, that the proceeds of the sale of said property shall be held and invested by said wardens or their successors, in a new edifice, to be built for the worship of God, after the forms of the Protestant Episcopal Church, or in such other manner, for the sole benefit of the aforesaid parish, as shall be deemed expedient by the wardens and vestry of said parish.

Authority to sell
real estate.

Proviso.

Approved February 24, 1860.

RESOLVE ON PETITION OF HENRY P. STURGIS, GUARDIAN.

Chap. 8.

Resolved, That Henry P. Sturgis, of Boston, as he is the guardian of Carlota Elizabeth Moore, a minor, be and he is hereby authorized and empowered to sign, seal, acknowledge and deliver a good and sufficient deed to Trenor W. Parks, of San Francisco, in the county of San Francisco and state of California, of a certain lot of land with the buildings thereon, in said Boston, bounded south-easterly by Washington Street, twenty-one feet and five and one-half inches; south-westerly by house and land late of Thomas J. Lobdell, seventy-seven feet five inches; westerly by land now or late of Hiram Curtis, eighteen feet five inches; northerly by land now or late of Jonathan French, thirteen feet six inches, and north-westerly by same, seventy feet; being the same premises

Authority to
deed real estate.

which were conveyed to the late Josiah Moore, deceased, by Thomas J. Lobdell; and the said deed thus to be given shall be valid and effectual to convey all the right, title and interest in and to the said premises, which the said Carlota Elizabeth Moore now has; thereby confirming and making valid a certain deed of the said premises, which was given by Russell Sturgis, as the attorney of said Josiah Moore, to John J. Loring, dated January eighteenth, eighteen hundred and forty-eight, and which is recorded with Suffolk Deeds, lib: five hundred and eighty-seven, fol. seventy-five, and so that the premises shall be free and discharged from all claims thereto by said minor.

Approved February 24, 1860.

Chap. 9.

RESOLVE IN RELATION TO CERTAIN MILITARY ACCOUNTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE.

Allowance of certain claims for rent of armories.

Resolved, That the adjutant-general and the auditor are hereby authorized and empowered to approve, certify, and allow the several claims of the city of Salem and the towns of Beverly, Northampton, Belchertown and Milford, for rent of armories furnished for the use of the volunteer militia, during the year last past, and the claims of the towns of Beverly, Northampton and Plymouth, for military bounties, and also the claims of the adjutants of the third battalion of riflemen and the third battalion of infantry; also the postage accounts of Majors E. B. Stodard and Edward Lamb, any thing in the third section of the two hundred and twenty-sixth chapter of the acts of the year one thousand eight hundred and fifty-nine to the contrary notwithstanding.

Military bounties

Postage accounts, &c.

Approved February 24, 1860.

Chap. 10.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance charitable for purposes.

Resolved, That the sum of twenty-five hundred dollars be and the same is hereby allowed from the treasury of the Commonwealth, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees, for the charitable purposes of said infirmary: *provided, however*, that the said trustees report to the legislature during the month of January next, a detailed account of the manner in which this appropriation has been expended.

Proviso.

Approved February 24, 1860.

Chap. 11.

RESOLVE IN FAVOR OF BENJAMIN SMITH, A REVOLUTIONARY PENSIONER.

Semi-annual payments allowed.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Benjamin Smith, a soldier of

the revolution, semi-annual payments of seventy-five dollars each ; the first payment shall be due and payable on the first day of May, one thousand eight hundred and sixty, and once every recurring sixth month thereafter ; but, if during the intervals of such payments said Smith should decease, then this resolve shall have no further effect, and no further payments shall be made thereunder.

Approved February 24, 1860.

RESOLVE UPON THE PETITION OF CHARLES J. BARRY AND OTHERS,
FOR CONFIRMATION OF TITLE TO REAL ESTATE.

Chap. 12.

Resolved, For the reasons in said petition set forth, that the sale and conveyance made on the thirty-first day of October, now last past, by the said Charles J. Barry and John S. Barry, executors of the last will and testament of Esther Barry, late of Boston, in the county of Suffolk, to James M. Jacobs, and by the said Jacobs, on the same day, to the said John S. Barry, of certain real estate and premises in said Boston, on the easterly side of North Russell Street, and particularly described in the deeds thereof, which are dated and recorded with Suffolk Deeds, October thirty-first, in the year eighteen hundred and fifty-nine, and to which reference is hereby made, be and hereby are ratified, confirmed and established ; and the title now held under said deeds be, and it hereby is made and declared to be valid and effectual to all intents and purposes ; and that John Goldsbury, of said Boston, Esquire, be, and hereby is, authorized and empowered to make, execute and deliver to said John S. Barry, a confirmatory deed of the said real estate and premises, and to convey, confirm and assure to him, the said John S. Barry, his heirs and assigns, forever, the same estate intended to have been granted by said deeds. *Approved February 24, 1860.*

Sale of estate confirmed.

Title.

Deed.

RESOLVE TO AUTHORIZE THE PREPARATION OF STATISTICS EXHIBIT-
ING THE PROGRESS OF THE COMMONWEALTH.

Chap. 13.

Resolved, That the secretary of the Commonwealth be authorized to prepare an abstract of the returns of the national census to be made the present year, in printed form, similar to the Abstract of the Census of the Commonwealth taken in the year one thousand eight hundred and fifty-five.

Abstract of national census.

Approved March 1, 1860.

RESOLVE RESPECTING CERTAIN APPROPRIATIONS FOR THE DUDLEY,
TROY AND MARSHPEE INDIANS.

Chap. 14.

Resolved, That there be allowed and paid to the guardians of the several Indian tribes, for the support of said Indians,

and for the salaries of said agents, for the year ending the thirty-first day of December, in the present year, to be paid from the appropriation of the present year for Indians, the following sums, that is to say : to the guardian of the Dudley Indians, for their support, a sum not exceeding seven hundred and fifty dollars, and for the salary of the guardian, one hundred dollars ; to the guardian of the Troy Indians, for their support, a sum not exceeding five hundred dollars, and for the salary of said guardian, the sum of one hundred dollars ; to the treasurer of the Marshpee Indians, for the support of certain paupers, a sum not exceeding two hundred dollars.

Approved March 5, 1860.

Chap. 15. RESOLVE CONCERNING THE REGISTRY OF DEEDS IN THE COUNTY OF SUFFOLK.

Preamble.

Whereas, It appears by the petition of the aldermen of the city of Boston, charged with the care and superintendence of the county affairs for the county of Suffolk, that in consequence of the ill health and physical incapacity of Henry Alline, Esq., register of deeds for said county, for some time past to perform the full duties of his office, in consequence whereof a large number of deeds, left at the registry for record, were briefly entered at the date of their receipt, on a book or table kept for that purpose, and afterwards entered and copied at large in the folio volumes appropriated for the record thereof by the proper clerks employed by said register ; and whereas it appears that the greater part, if not all such original deeds—it having been first certified thereon by the register that they have been duly examined and recorded—had been returned thus certified to the persons, respectively, by whom they had been left for record,—whereas the copies of said deeds so entered as records, have not been severally attested by the register as true copies, under his own signature ; and whereas it further appears that there is reason to fear that the standing register, from continued ill health and increasing infirmities, will not be able to authenticate the copies so entered in said volumes by his own signature ; for remedy whereof—

Special register
to be appointed.

Resolved, That the aldermen of the city of Boston be, and they are hereby authorized and empowered to appoint some suitable person, at the expense of the present register, or at the expense of the county of Suffolk, to be paid for as other county expenses of said county are paid, who may be denominated “Special Register of Deeds for the County of Suffolk.” He shall be and hereby is authorized and empowered, if he shall be satisfied by a general certificate in each

Powers and
duties.

volume, or by the rules and usages of the office, or from information derived from the standing register or the officers and clerks employed by him, or other satisfactory sources, that the copies so entered in said volumes have been truly copied from the original deeds, and examined in the usual manner by the proper clerks and officers, before the originals were returned to the persons by whom they were left for record, to attest the copies thus entered as true copies, dating his attestation, and annexing to his signature the title, "Special Register." In like manner it shall be within his power and his duty to compare and attest all copies of deeds so entered in the books, in the cases where the originals still remain in the office.

And in case the person thus appointed shall die or resign, or otherwise fail to finish and complete such unattested copies in such books of record, the mayor and aldermen may appoint a substitute or substitutes, until the said attestations are completed. And all records so attested shall be deemed equally well authenticated, and shall have the same force and effect in law, in all cases, as if such copies in the books of records had been severally attested under the proper signature of the standing register, at the time when the same were respectively entered. Such special register or substitute shall hold his office for a term not exceeding three months from the date of his appointment.

Substitutes in
case of vacancy.

Term of office.

Approved March 9, 1860.

RESOLVE TO CHANGE THE NAME OF THE THIRD RELIGIOUS SOCIETY OF NEWBURYPORT. *Chap. 16.*

Resolved, That the "Third Religious Society of Newburyport" shall hereafter be designated and known as the North Congregational Society in Newburyport.

Approved March 9, 1860.

RESOLVE ALLOWING COMPENSATION FOR CERTAIN CLERICAL ASSISTANCE. *Chap. 17.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the expense for clerical assistance by persons employed under the direction of the editors of the General Statutes, in the preparation of copy, and other similar services, and also for authorized expenses of reporting and for clerical assistance for committees, a sum not exceeding two thousand five hundred dollars.

Assistant clerks
for editing Gen-
eral Statutes—
committees, &c.

Approved March 9, 1860.

Chap. 18. RESOLVE ON PETITION OF WILLIAM C. BROWN, REGISTER OF PROBATE AND INSOLVENCY FOR SUFFOLK COUNTY.

Compensation of assistant-register

Resolved, For reasons set forth in said petition, that there be allowed and paid from the treasury of the Commonwealth to William C. Brown, of Chelsea, in the county of Suffolk, register of probate and insolvency for said county, the sum of nine hundred and fifteen dollars and fifty-three cents, to reimburse him for the amount paid James L. Crombie as assistant register of probate and insolvency for said county.

Approved March 9, 1860.

Chap. 19. RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Bank loans.

Resolved, That the treasurer be and he hereby is authorized to require of the several banks of this Commonwealth, a loan of such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands upon the treasury within the current year; or he may borrow in like manner of the commissioners of the several sinking funds, such moneys as said commissioners may have on hand uninvested; and said commissioners are hereby authorized to loan the same to the treasurer aforesaid, under the terms of this resolve; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose shall be received into the treasury: *provided*, that the whole amount of the temporary loan authorized by this resolve and previous resolves, shall not at any time exceed five hundred thousand dollars.

Approved March 13, 1860.

Chap. 20.

RESOLVE IN FAVOR OF MARTIN STILES.

Allowance for arrest of a fugitive from justice.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of eighty dollars and fifty-five cents, to Martin Stiles, as remuneration for expense incurred by him in pursuing and securing the arrest of a fugitive from justice.

Approved March 13, 1860.

Chap. 21.

RESOLVE IN FAVOR OF THE TOWN OF NORTON.

Allowance for support of state paupers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the town of Norton, the sum of two hundred and thirty dollars, as remuneration for expenses incurred by said town in the support of Charles H. Johnson and his family, state paupers.

Approved March 13, 1860.

Chap. 22.

RESOLVE IN FAVOR OF THE TOWN OF WEST SPRINGFIELD.

Allowance for expense of suit.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of two hundred and six

dollars and fifty-two cents, to the town of West Springfield, as remuneration for expense incurred in the defence of a second action against said town, brought in favor of the treasurer of the state lunatic hospital at Worcester, for the support of a state pauper.

Approved March 13, 1860.

RESOLVE IN FAVOR OF CHARLES BRIGHAM.

Chap. 23.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Charles Brigham, of Grafton, trustee of the Hassanamisco tribe of Indians, in addition to what he has already at different times received, the sum of one hundred and sixty dollars and six cents, as compensation for cash paid out and services rendered, during a term of twenty-one years.

Hassanamisco Indians.

Allowance for services and disbursements.

Approved March 13, 1860.

RESOLVE IN FAVOR OF REBECCA B. DAVIS.

Chap. 24.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog Indians, the sum of fifty dollars; the same to be expended for the relief of Rebecca B. Davis, a member of the tribe, the same to be in addition to the sums already appropriated.

Allowance to guardian of Punkapog Indians.

Approved March 13, 1860.

RESOLVE IN FAVOR OF JOHN C. WILLEY.

Chap. 25.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of one hundred and seventy-two dollars and forty-nine cents to John C. Willey, to reimburse the amount of an execution against him obtained in a suit against said John C. Willey, as an officer, executing the "liquor law," of eighteen hundred and fifty-five.

Allowance for amount of an execution arising from liquor law.

Approved March 17, 1860.

RESOLVE GRANTING AID FOR THE SUPPRESSION OF COUNTERFEITING BANK BILLS AND COIN.

Chap. 26.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting in this Commonwealth, a sum not exceeding one thousand five hundred dollars, for the purpose of the prevention and detection of the crime of making or tendering in payment as true, counterfeit bank bills, or counterfeit gold and silver coin: *provided*, that no sums be paid under or by authority of this resolve, which shall exceed one-third of the amounts which said association shall certify and prove to the governor shall have been raised and judiciously expended, by said association for the purposes aforesaid.

Payable to associated banks.

Proviso.

Approved March 17, 1860.

Chap. 27. RESOLVE IN RELATION TO THE PURCHASE OF LAND FOR THE STATE
ALMSHOUSE AT MONSON.

Purchase of land
at Monson.

Resolved, That there be allowed and paid out of the treasury, the sum of two hundred dollars, to be expended in the purchase of a piece of land for the use of the state almshouse at Monson.

Approved March 17, 1860.

Chap. 28. RESOLVE IN FAVOR OF WARWICK PALFREY.

Reimbursement
for defence of a
liquor suit.

Resolved, That there be allowed and paid to Warwick Palfrey, of Lynn, from the treasury of the Commonwealth, the sum of two hundred and fifty-one dollars and forty-five cents, to reimburse him for costs incurred in defence of a suit brought against said Palfrey, for executing, as an officer, and as he believed, in discharge of official duty, the laws of the Commonwealth.

Approved March 17, 1860.

Chap. 29. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF
INDIANS, FOR THE BENEFIT OF SALLY BURR.

Payable to
guardian.

Resolved, For reasons set forth in the petition of Sally Burr, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of the said Sally Burr.

Approved March 17, 1860.

Chap. 30. RESOLVE IN FAVOR OF TIMOTHY P. WRIGHT.

For defence of
a liquor suit.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of seventy-five dollars and thirteen cents, to Timothy P. Wright, as remuneration for expenses incurred by him in defence of a suit, under the liquor law of eighteen hundred and fifty-five.

Approved March 17, 1860.

Chap. 31. RESOLVE IN FAVOR OF THE TOWN OF MIDDLETON.

For support of a
pauper.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the town of Middleton, the sum of one hundred and twenty-five dollars, as remuneration for expense incurred by said town in the support of James E. Blanchard, a state pauper.

Approved March 20, 1860.

Chap. 32. RESOLVE IN RELATION TO CERTAIN REPAIRS AND IMPROVEMENTS
UPON THE STATE HOUSE.

Alterations, &c.,
specified.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight hundred dollars for the following alterations and improve-

ments in the state house, viz.: Dividing the south-east basement room into two rooms; fitting up the south-west basement room, now occupied as a refreshment room, for the use of committees; dividing the room now used by the council committee on pardons, into two rooms, one of said rooms to have the entrance from the library; and re-arranging the seats in the galleries of the house of representatives, —to be expended under the direction of the sergeant-at-arms.

Approved March 20, 1860.

RESOLVE IN FAVOR OF THE TOWN OF WEBSTER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Webster, for improvements on lands occupied by the Dudley Indians, the sum of one hundred dollars.

Approved March 20, 1860.

Chap. 33.

For improvement
of land occupied
by Dudley Indi-
ans.

RESOLVE GRANTING TAXES FOR THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and hereby are granted as a tax for each county, respectively, to be assessed, paid, collected, and applied, according to law, namely:

Barnstable—Fourteen thousand dollars;
Berkshire—Twenty-six thousand dollars;
Bristol—Seventy thousand dollars;
Dukes County—Four thousand dollars;
Essex—Ninety-two thousand dollars;
Franklin—Eighteen thousand dollars;
Hampden—Thirty-two thousand dollars;
Hampshire—Twenty thousand dollars;
Middlesex—One hundred and four thousand dollars;
Norfolk—Eighty thousand dollars;
Plymouth—Thirty thousand dollars;
Worcester—Ninety thousand dollars.

Approved March 20, 1860.

Chap. 34.

RESOLVE PROVIDING FOR CERTAIN EXPENSES RELATING TO ESSEX BRIDGE.

Resolved, That there be allowed and paid out of the Essex Bridge Fund, twenty-five hundred dollars, to enable the agent to extend a pier, in accordance with an act of the year one thousand eight hundred and fifty-nine, chapter one hundred and twenty-two, section six. For the salary of the agent, two hundred and fifty dollars. For repairs, two thousand dollars. For the compensation of toll-gatherers

Chap. 35.

Extension of pier.

Agent's salary.

Repairs.

Toll-gatherers.

Draw-tenders. and draw-tenders, six hundred dollars. For gas, oil, and
 Lights. fluid, two hundred and fifty dollars. For incidental
 Incidental. expenses, fifty dollars.

The above appropriation shall be for the year one thousand eight hundred and sixty. *Approved March 20, 1860.*

Chap. 36. RESOLVES IN RELATION TO THE VALUATION OF THE PROPERTY OF
 THIS COMMONWEALTH.

Valuation committee. *Resolved*, That a committee of this legislature be appointed to make a new valuation of the property of this Commonwealth, to consist of thirteen members of the senate, and twenty-seven members of the house of representatives, to be selected as follows, viz.: From the county of Suffolk, three; from each of the counties of Essex, Middlesex, and Worcester, four; from each of the counties of Norfolk, Bristol, and Plymouth, two; from each of the counties of Hampshire, Hampden, Franklin, Berkshire, and Barnstable, one; and from Nantucket and Dukes county, one; and the president of the senate and speaker of the house of representatives.

Duties specified. *Resolved*, That said committee shall meet in the senate chamber, in the recess of the general court, at such time as they may previously appoint, in order to receive the returns of the assessors of the polls and estates of the several towns which may be made, agreeably to the requirements of an act of the present session, entitled "An Act to ascertain the ratable estate within this Commonwealth;" and they shall examine and equalize the same, according to their best judgment and discretion; and they shall estimate the polls therein contained, of twenty years old and upwards, at the rate of half a mill each on the one thousand dollars of tax; and shall estimate all the estate therein contained at its true and just value. And if any assessors shall neglect to make returns conformably to said act, said committee shall ascertain the polls and estates, and shall thereupon proceed to estimate and equalize the same as aforesaid, and shall make an addition thereto of twenty-five per centum on the amount thereof; and they shall take such measures as they may deem proper, to correct any informal, imperfect or erroneous returns.

Deficient returns. *Resolved*, That said committee have power to fill any
 Correction of returns. vacancy which may exist in their body, at the time of and during their meeting in the recess of the general court.
 Vacancies. They shall choose a chairman, and be authorized to require
 Organization. such further returns in addition to those provided by law, from state, city and town officers, as may be necessary; to

appoint a clerk and other officers, to cause to be executed all such printing as they may deem to be expedient, and to procure such stationery and other articles as shall be required, and do such other acts and things as may be necessary for the convenient despatch of their business; and they shall make report of their doings to the next general court.

Further duties.

Approved March 20, 1860.

RESOLVE IN FAVOR OF AUGUSTUS W. LOTHROP.

Chap. 37.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Augustus W. Lothrop, the sum of two hundred and twenty-five dollars, as remuneration for expense incurred by said Lothrop in defence of an action brought against him as an officer executing the law of the year eighteen hundred and fifty-five, respecting the manufacture and sale of spirituous and intoxicating liquors.

For defence of liquor suit.

Approved March 26, 1860.

RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF CHARLOTTE E. MYERS.

Chap. 38.

Resolved, That for reasons set forth in the petition of Charlotte E. Myers, a member of the Punkapog tribe of Indians, there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of the said Charlotte E. Myers.

Amount payable to guardian.

Approved March 26, 1860.

RESOLVE IN AID OF THE NEW BEDFORD WOMEN'S REFORM AND RELIEF ASSOCIATION.

Chap. 39.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, one thousand and five hundred dollars, in aid of the New Bedford Women's Reform and Relief Association, to be used by its officers in furtherance of the benevolent designs of that corporation.

Approved March 26, 1860.

RESOLVE IN RELATION TO A STATE AGRICULTURAL EXHIBITION.

Chap. 40.

Resolved, That there be allowed out of the treasury of this Commonwealth, and paid over to the state board of agriculture, the sum of three thousand dollars, to be distributed in premiums at a state exhibition to be held at Springfield in September next.

Agricultural premiums.

Approved March 26, 1860.

RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF POLLY CROWD.

Chap. 41.

Resolved, That for reasons set forth in the petition of Polly Crowd, a member of the Punkapog tribe of Indians,

Amount payable to guardian.

there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, in addition to what he now receives, under a resolve passed in the year one thousand eight hundred and fifty-three, the sum of fifty-two dollars, for the benefit of the said Polly Crowd.

Approved March 26, 1860.

Chap. 42. RESOLVE TO AUTHORIZE CERTAIN REPAIRS IN THE REPRESENTATIVES' HALL, AND TO MAKE APPROPRIATION THEREFOR.

Labor, materials,
&c., for altera-
tion.

Resolved, That the sergeant-at-arms is hereby authorized and empowered to approve and allow the bills and accounts for labor and materials used and employed in lowering the platform, and placing a bar in rear of the seats in the hall of representatives; and the sum of two hundred and fifty-eight dollars and thirty-six cents is hereby appropriated therefor.

Approved March 26, 1860.

Chap. 43.

Resident mis-
sionary's house.

RESOLVE IN FAVOR OF THE HERRING POND INDIANS.

Resolved, That the sum of three hundred dollars be allowed and paid out of the treasury of the Commonwealth to the guardian of the Herring Pond Indians, to be by him applied in payment of moneys taken and used to fit up a dwelling-house for a resident missionary.

Approved March 26, 1860.

Chap. 44.

Defence of a
liquor suit.

RESOLVE IN FAVOR OF WRIGHT STRATTON.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of thirty dollars and thirty-four cents, to Wright Stratton, of Northfield, as remuneration for expense incurred in defence of a suit brought against him as an officer executing the law or eighteen hundred and fifty-five, concerning the manufacture and sale of spirituous and intoxicating liquors.

Approved March 29, 1860.

Chap. 45.

Grant of 1859.

RESOLVES IN FAVOR OF THE WESLEYAN ACADEMY.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, on the first day of April next, to the treasurer of the corporation of the Wesleyan Academy, in Wilbraham, upon the order of the corporation, the sum of twenty-two thousand dollars, in anticipation and upon account of the grant made to said academy by chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine: and *provided, also*, that the sum of thirty thousand dollars shall be subscribed by individuals, as a contribution to the funds of the academy,

Proviso.

which subscription shall be satisfactory to the governor and council, before the amount allowed by the first resolve shall be paid.

Resolved, That the treasurer and receiver-general of this Commonwealth, shall forthwith open an account with the said treasurer of the corporation of the Wesleyan Academy, in Wilbraham; and he shall charge said treasurer with said advance of twenty-two thousand dollars, and shall charge him with interest thereon semi-annually, on the first days of October and April in each year, at the rate of five per cent. per annum; and whenever by the provisions of said chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine, any portion of the proceeds of sales of lands in the Back Bay becomes due to the said corporation of the Wesleyan Academy, in Wilbraham, the portion thus due shall be retained by the treasurer of the Commonwealth, and shall be credited to the said treasurer of the said corporation in the account aforesaid; and interest shall be credited on said payments, semi-annually, on the first days of April and October in each year, at the rate of five per cent. per annum.

Treasurer to open and keep an account with said corporation.

Resolved, That whenever the full sum of twenty-five thousand dollars, granted to said academy, shall have accrued from the proceeds of sales of lands in the Back Bay, in the manner provided in said chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine, and shall have been credited to the treasurer of the corporation of said academy, in the account established under the preceding resolve, said account shall be closed, and the balance, if any, due said treasurer of said corporation, shall be paid over to him, on the order of the corporation; otherwise the payment of twenty-two thousand dollars shall be deemed and held full satisfaction of the grant made by said chapter one hundred and fifty-four, and of all claims of said corporation by reason thereof.

When said account shall be closed.

Resolved, That these resolves shall not take effect unless accepted by the corporation of the Wesleyan Academy, in Wilbraham, at a legal meeting thereof: *provided*, that if the said principal sum of twenty-two thousand dollars, or any part thereof, shall not have accrued from sales of lands in the Back Bay, at the end of ten years from the passage of these resolves, then the corporation of the Wesleyan Academy shall be held liable to pay, without interest, the difference between said principal sum, of twenty-two thousand dollars,

Acceptance of these resolves.

Proviso.

and the amount actually realized from such sales of lands, on demand of the treasurer of the Commonwealth.

Approved March 29, 1860.

Chap. 46.

RESOLVE ON THE PETITION OF THE AMERICAN ASSOCIATION IN LONDON.

Public documents to be furnished said association.

Resolved, That the secretary of the Commonwealth be authorized to furnish the American Association in London, such statutes, laws and public documents, as are furnished to the colleges of Massachusetts. *Approved March 29, 1860.*

Chap. 47.

RESOLVE FOR HEATING BUILDINGS AT RAINSFORD ISLAND HOSPITAL, AND FOR OTHER PURPOSES.

Heating and repairs.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for heating certain rooms at Rainsford Island Hospital, and also for repairing the same, a sum not exceeding twelve hundred and fifty dollars; the same to be paid from the appropriations for expenses of the hospital the current year. *Approved March 30, 1860.*

Chap. 48.

RESOLVE IN RELATION TO THE STATE REFORM SCHOOL.

Chapel for [said school.

Resolved, That the trustees of the state reform school at Westborough, be and they hereby are authorized to cause to be rebuilt the chapel of the institution, and to apply to that purpose any unexpended balance in their hands, of the appropriation of eighteen thousand dollars, made by resolve of one thousand eight hundred and fifty-nine, chapter one hundred and twenty-eight, for rebuilding the portion of the institution which was first erected. *Approved April 2, 1860.*

Chap. 49.

RESOLVES IN RELATION TO THE STATE PRISON.

For damage by fire.

New boilers.

Gas apparatus.

Painting and repairs.

Proviso.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to make repairs and meet other extraordinary expenses occasioned by the fire at the state prison in the month of December last, the sum of one thousand and eighteen dollars thirty-three cents; for the introduction of new steam-boilers of an improved pattern, the sum of one thousand nine hundred and sixteen dollars eighty-six cents; for the introduction of apparatus to manufacture upon the premises the gas to be burned in the prison, two thousand five hundred dollars; for painting and incidental repairs, one thousand dollars; said sums to be expended under the direction of the warden and inspectors: *provided*, that no charge shall be made by said warden and inspectors for services therefor.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the present year, the sum of two hundred dollars, for the purpose of replenishing and maintaining the library of the state prison; said sum to be expended under the direction of the warden and chaplain: and in every year hereafter it shall be the duty of the inspectors to apply in like manner, for the same purpose, two hundred dollars from the appropriation which may be made by the legislature for the current expenses of the prison.

Prison library.

Resolved, That the inspectors, in their next annual report, shall submit detailed plans and estimates for the improvements proposed in the last three annual reports of the institution, and authorized by the Resolve of the year eighteen hundred and fifty-seven, chapter eighty-eight, in order that a sufficient appropriation to meet the expense thereof may be made by the next general court, if it shall see fit. Separate plans and estimates shall be submitted for making the improvements proposed in the existing hospital building, and also in a new building, that the relative expense of the two methods of obtaining the requisite accommodations may be ascertained.

Plans, &c., for improvements.

Resolved, That the unexpended balance of the appropriation for the current expenses of the prison in the year one thousand eight hundred and fifty-nine, shall be applied and used for the current expenses of the prison in the year one thousand eight hundred and sixty, without additional appropriation.

Unexpended balance.

Current expenses

Approved April 2, 1860.

RESOLVE RELATING TO PARDONS.

Chap. 50.

Resolved, That the governor and council be requested, hereafter, in the month of January, in each year, to communicate to the general court a list of the pardons granted during the year next preceding, with such detailed statements as in their judgment the public good may require.

Annual list of pardons.

Approved April 2, 1860.

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

Chap. 51.

Resolved, For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty dollars.

§50 to petitioner.

Approved April 2, 1860.

RESOLVE IN FAVOR OF CERTAIN COUNTY TREASURERS.

Chap. 52.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Amos Stone, of Charlestown, treasurer of the county of Middlesex, three hundred dollars;

Allowance for commissions and fees.

to Anthony Chase, treasurer of the county of Worcester, seventy dollars ; to Allen W. Dodge, treasurer of the county of Essex, eighty dollars ; to Lewis Merriam, treasurer of the county of Franklin, fifty dollars ; to George J. Tucker, treasurer of the county of Berkshire, eighty dollars ; to Chauncey C. Churchill, treasurer of the county of Norfolk, one hundred dollars ; to George M. Woodward, treasurer of the county of Bristol, sixty dollars : said sums to be in full satisfaction of all claims of said treasurers for commissions and fees accrued prior to the first day of July last, not hitherto audited and allowed.

Approved April 2, 1860.

Chap. 53.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON.

For barn, piggery and fencing.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the lunatic hospital at Northampton, the sum of five thousand eight hundred dollars, for the following purposes, namely: For the construction of a barn and piggery, four thousand dollars, and for fencing, the sum of one thousand eight hundred dollars.

Approved April 2, 1860.

Chap. 54.

RESOLVE IN FAVOR OF CHARLES MATTOON, JUDGE OF PROBATE AND INSOLVENCY FOR FRANKLIN COUNTY.

For services, &c., in Worcester county.

Resolved, For reasons set forth in the petition of Charles Mattoon, that there be allowed and paid him out of the treasury of the Commonwealth, the sum of two hundred and seventy-five dollars, for services and travelling expenses, in attending and acting as judge of the courts of insolvency for the county of Worcester.

Approved April 2, 1860.

Chap. 55.

RESOLVE IN RELATION TO THE HAMPDEN COUNTY AGRICULTURAL SOCIETY.

Premiums, conditionally.

Resolved, That in case a state agricultural fair is held in the city of Springfield, during the year eighteen hundred and sixty, by or under the direction of the state board of agriculture, the Hampden County Agricultural Society shall be, and is hereby, authorized to offer premiums in connection with said state fair ; and the same shall be deemed a sufficient compliance with the law requiring the said society to hold an exhibition on the last Thursday but one in September.

Approved April 2, 1860.

Chap. 56.

RESOLVE IN FAVOR OF ARAD DENISON.

\$50 to petitioner.

Resolved, For reasons set set forth in the petition of Arad Denison, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty dollars.

Approved April 3, 1860.

RESOLVE AUTHORIZING THE TREASURER TO FURNISH THE TOWN OF WINDSOR WITH A SET OF STANDARD WEIGHTS, MEASURES AND BALANCES.

Chap. 57.

Resolved, That the treasurer of the Commonwealth be authorized and directed to furnish to the treasurer of the town of Windsor a complete set of the standard weights, measures, and balances, such as the treasurer of each town is required to keep, by the provisions of the two hundred and forty-second chapter of the acts of the year eighteen hundred and forty-seven; to be kept by said treasurer according to the provisions of the three hundred and thirty-second chapter of the acts of the year eighteen hundred and forty-eight.

Weights, measures, &c., for town.

Approved April 3, 1860.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Chap. 58.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of three thousand dollars.

\$3,000.

Approved April 3, 1860.

RESOLVE ON THE PETITION OF THAYER AND WARREN.

Chap. 59.

Resolved, For reasons set forth in the petition of Thayer and Warren, of Boston, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of one hundred and ninety dollars.

\$190 to petitioners.

Approved April 3, 1860.

RESOLVE IN FAVOR OF MARTIN WHEELOCK.

Chap. 60.

Resolved, For reasons set forth in the petition of Martin Wheelock, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, in addition to what he now receives, the sum of twenty dollars.

\$20 to petitioner additional.

Approved April 3, 1860.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Chap. 61.

Resolved, That the sum allowed to the treasurer of the Massachusetts School for Idiotic and Feeble-Minded Youth, according to chapter forty-four of the resolves of the year one thousand eight hundred and fifty-one, be increased for the current year to the sum of seven thousand five hundred dollars, which shall be used and applied according to the conditions of said forty-fourth chapter: *provided*, that the said institution shall gratuitously receive and educate fifteen

Allowance increased.

Proviso.

idiotic persons, to be designated by the governor, in addition to the number provided for in the said forty-fourth chapter.

Approved April 3, 1860.

Chap. 62. RESOLVE TO PAY FOR SUPERINTENDING THE PUBLICATION OF THE GENERAL STATUTES.

Wm. A. Richardson, George P. Sanger, for editing statutes.

Resolved, That there be paid out of any money in the treasury not otherwise appropriated, to William A. Richardson and George P. Sanger, thirty-seven hundred dollars, in full compensation for editing and superintending the publication of the General Statutes, in accordance with the resolve passed December the twenty-eighth, in the year one thousand eight hundred and fifty-nine; also for incidental expenses of the commissioners, a sum not exceeding one hundred and fifty dollars.

Approved April 4, 1860.

Chap. 63. RESOLVE IN FAVOR OF THE TOWN OF ACUSHNET.

\$225 for reports and documents.

Resolved, That the secretary of the Commonwealth be authorized to supply the town of Acushnet with all such reports and documents as are furnished to every city and town in the Commonwealth, and that the sum of two hundred and twenty-five dollars be appropriated for that purpose.

Approved April 4, 1860.

Chap. 64. RESOLVE CONCERNING CAPE COD HARBOR.

Commissioners to examine.

Resolved, That his excellency the governor be, and he is hereby, desired to request that the board of commissioners appointed by the general government for the purpose of examining Boston Harbor, be also required, during the coming season, to make an examination of Cape Cod Harbor and its environs, with a view to ascertain what are the present or prospective dangers which tend to threaten its safety; and also to make such suggestions or recommendations as may by them be thought necessary for its preservation.

Approved April 4, 1860.

Chap. 65. RESOLVES RELATING TO THE PROPOSED AMENDMENTS OF THE CONSTITUTION.

Articles to be submitted to the people.

Resolved, That the following Articles of Amendment of the Constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption.

FIRST ARTICLE OF AMENDMENT.

Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

SECOND ARTICLE OF AMENDMENT.

In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on the seventh day of May next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against each of the said articles of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall, in open meeting, receive, sort, count, and declare the votes of the inhabitants for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out, under the hands of the mayors and aldermen of the several cities; and of the selectmen or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county, within three days after the said meeting, to be by him transmitted to the office of the secretary of the Commonwealth, within seven days after receiving the same; or the said mayors and aldermen, and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings: *provided*, that in the several cities, the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto. The said meetings shall be deemed to be legally warned or notified, if due notice thereof be given on or before the thirtieth day of April next previous thereto.

Meetings of the people to be called.

Manner of conducting meetings

Returns.

Proviso.

Notice of meetings.

Resolved, That each of the said articles shall be considered as a distinct amendment, to be adopted in the whole, or rejected in the whole, as the people shall think proper. And

Form of ballot.

every person, qualified to vote as aforesaid, may express his opinion on each article as designated by its appropriate number, without specifying in his ballot the contents of the article, and by annexing to each number the word "Yes," or "No," or any other words of the same import; but the whole shall be written or printed on one ballot, in substance as follows, to wit:—Amendments,—article first, yes or no; article second, yes or no. And every article that shall appear to be approved by a majority of the persons voting thereon, shall be deemed and taken to be ratified and adopted by the people.

Examination of
returns.

Enrolment and
publication.

Resolved, That his excellency the governor, and the council, shall, forthwith, open and examine the votes returned as aforesaid; and if it shall appear that said articles of amendment, or either of them, have been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office, as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to their numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

Proclamation of
result.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith, after examination of the votes returned as aforesaid, reciting the said articles of amendment, or either of them, and announcing that said articles of amendment, or either of them, have been duly adopted and ratified by the people of this Commonwealth, and have become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said articles of amendment, or either of them, have been rejected, as the case may be.

Resolves to be
transmitted to
cities and towns.

Resolved, That a printed copy of these resolves, including the said articles of amendment, and blank forms of the returns of votes on each of said articles, shall be transmitted, as soon as may be, by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and to the selectmen of the several towns, of this Commonwealth.

Approved April 4, 1860.

RESOLVE IN RELATION TO THE HOOSAC VALLEY AND THE WORCESTER
SOUTH-EAST AGRICULTURAL SOCIETIES.

Chap. 66.

Resolved, That the Hoosac Valley and the Worcester South-East Agricultural Societies be, and they are hereby, required to commence their annual fairs, respectively, the former on the last Tuesday but one in September, the latter on the second Tuesday of October.

Approved April 4, 1860.

Annual fairs,
time of holding.RESOLVE IN RELATION TO THE TRUSTEES OF THE STATE REFORM
SCHOOL.

Chap. 67.

Resolved, That the trustees of the state reform school be, and they are hereby, authorized to pay out of any funds in their hands, to the persons hereafter named, as indemnification for losses sustained by said persons during the destruction of a portion of the buildings of said school by fire, not to exceed severally the following sums, viz.: To O. R. Hutchinson, twenty-one dollars; to H. A. Cobb, twenty-five dollars; to Melinda Palmer, forty-two dollars; to E. O. Bailey, one hundred and twenty-three dollars and ninety-one cents; to G. O. Lynde, forty-seven dollars and fifty cents.

Approved April 4, 1860.

Indemnities for
losses by fire.

RESOLVE IN FAVOR OF BARNARD C. MARCHANT.

Chap. 68.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-seven dollars, to defray the expenses of the recent sickness of William Johnson, one of the Chappequidic Indians.

Approved April 4, 1860.

Expenses of sick-
ness.

RESOLVE IN RELATION TO PAINTING THE STATE HOUSE.

Chap. 69.

Resolved, That the outside of the State House, the Doric Hall, Representatives' Hall, Senate Chamber, and so forth, be painted; and that a sum not exceeding eight thousand dollars be appropriated to defray the expense thereof, to be expended under the direction of the chairman of the committee on the State House, on the part of each branch, and the sergeant-at-arms.

Approved April 4, 1860.

Painting state
house.RESOLVE PROVIDING FOR THE PAYMENT OF EXPENSES INCURRED
UNDER THE PROVISIONS OF THE ACT TO EXTIRPATE THE DISEASE
CALLED PLEURO-PNEUMONIA AMONG CATTLE.

Chap. 70.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and there is hereby appropriated, the sum of ten thousand dollars, to meet any authorized expenses incurred by the commissioners appointed under an act passed at the present session of the legislature, entitled "An Act to extirpate the disease called pleuro-

Appropriation of
\$10,000.

pneumonia among cattle;" and the governor is hereby authorized to draw his warrant therefor.

Approved April 4, 1860.

Chap. 71.

RESOLVE ON THE PETITION OF HANNAH WILLIAMS.

Release of interest in real estate to petitioner.

Location.

Bounds.

Deed.

Resolved, For the reasons set forth in the petition of said Hannah Williams, that the treasurer of the Commonwealth be authorized, and he hereby is authorized and directed to release to said Hannah Williams, her heirs and assigns, for a nominal consideration, the interest of the Commonwealth in the lot of land lying in the city of Salem and described in her petition, being bounded south-westerly on Creek Street, and south-easterly, north-easterly, and north-westerly on land of Brown; and to execute and deliver to her a deed of the same under the seal of the Commonwealth, without any covenant of title.

Approved April 4, 1860.

Chap. 72.

RESOLVES RELATING TO CORPORATIONS AND THE ASSESSMENT OF TAXES UPON THE SHARES THEREOF.

Valuation of stock of industrial corporations, banks, insurance companies, savings deposits, &c.

Resolved, That the assessors of the several cities and towns shall, on or before the first day of September next, return to the secretary of the Commonwealth the number and names of the several industrial corporations, and the number and names of the banks and insurance companies established in their respective cities and towns, with the amount of capital stock owned by each, reckoned at the par value thereof. Also, the number and names of savings banks in such cities and towns. Also, the number of shares in industrial corporations, banks and insurance companies, specifying the number of shares in each company which are taxed in such cities and towns, and the value of such shares as they stand upon the assessors' books. Also, the amount of deposits in any savings bank, specifying the name thereof, taxed in their respective cities and towns.

Associations for loaning money.

Amount taxed.

Resolved, That the assessors of each city and town shall, at the same time, return to the secretary the name of any other association or corporation organized for loaning money and established in their respective cities and towns, with the amount of their capital stock and deposits, if known, and the amount for which they are taxed for the year eighteen hundred and sixty.

Blank forms for assessors.

Resolved, That the secretary of the Commonwealth shall, on or before the first day of June next, transmit to the several cities and towns suitable blank forms, to enable the several assessors to make the returns prescribed in the foregoing resolves.

Resolved, That the secretary shall make a digest of the returns of the assessors made to him in conformity with the foregoing resolves, in convenient form for the use of the next legislature, and cause the same to be printed on or before the fifteenth day of October next.

Abstract of returns.

Approved April 4, 1860.

RESOLVE IN RELATION TO THE NAUTICAL BRANCH OF THE STATE REFORM SCHOOL.

Chap. 73.

Resolved, That the commissioners appointed under authority of chapter one hundred and twelve of resolves of eighteen hundred and fifty-nine, for the establishment of the nautical branch of the state reform school, be authorized to expend a sum not exceeding five thousand dollars in addition to sums heretofore allowed.

Additional sum allowed.

Approved April 4, 1860.

RESOLVE CONCERNING CAPE COD HARBOR.

Chap. 74.

Resolved, That a sum not exceeding one thousand dollars shall be allowed and paid, and is hereby appropriated to meet any necessary expenses of the survey authorized under a resolve concerning Cape Cod Harbor: to be expended with the approval of the governor.

Appropriation for expense of survey.

Approved April 4, 1860.

RESOLVE IN ADDITION TO THE RESOLVES RELATIVE TO THE DISTRIBUTION OF THE NEW PLYMOUTH RECORDS.

Chap. 75.

Resolved, That there be placed in the hands of the trustees of the state library fifty copies of the New Plymouth Records, for domestic and international exchange.

50 copies allowed for exchanges.

Approved April 4, 1860.

RESOLVE IN FAVOR OF HENRY D. JOHNSON.

Chap. 76.

Resolved, That there be allowed and paid, and the same is hereby appropriated out of the treasury of the Commonwealth, to Henry D. Johnson, the sum of one hundred dollars, in addition to his regular compensation, as a member of the house of representatives, to pay the expense incurred by him in consequence of severe sickness during the present session.

Allowance for sickness.

Approved April 4, 1860.

RESOLVE IN FAVOR OF DAVID BRYANT.

Chap. 77.

Resolved, That there be allowed and paid to David Bryant, the sum of eighty-eight dollars and thirty-three cents, in full of his claim for appraising the personal property at Tewksbury almshouse, and that sum is hereby appropriated for the purpose.

Allowance for appraising almshouse property, at Tewksbury.

Approved April 4, 1860.

Chap. 78. RESOLVE IN RELATION TO GRADING AND IMPROVING THE GROUNDS ABOUT THE STATE HOUSE.

Appropriation,
\$300.

Resolved, That a sum not exceeding three hundred dollars be appropriated and paid out of the treasury of the Commonwealth, for the purpose of grading and improving the grounds about the state house; to be expended under the direction of the sergeant-at-arms.

Approved April 4, 1860.

Chap. 79. RESOLVE IN FAVOR OF EDWIN MAYBERRY.

Allowance for
medical attend-
ance.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Edwin Mayberry, as full compensation for medical attendance upon, and medicines furnished to William Johnson, an Indian and state pauper, the sum of fifty-one dollars and twenty-five cents; and the same is hereby appropriated for that purpose.

Approved April 4, 1860.

Chap. 80. RESOLVE FOR THE COMPENSATION OF THE STATE ENGINEER OF THE TROY AND GREENFIELD RAILROAD.

Allowance of
\$1,000 for the
year.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and there is hereby appropriated for the compensation of the state engineer of the Troy and Greenfield Railroad, the sum of one thousand dollars, for the ensuing year.

Approved April 4, 1860.

Chap. 81. RESOLVE CONCERNING THE MILITIA LAWS.

Militia laws for
distribution.

Resolved, That the adjutant-general of the Commonwealth be, and he is hereby, authorized to contract with the state printer to print two thousand copies of the General Statutes relating to the militia, adopted by the legislature of the year eighteen hundred and fifty-nine; said copies to be properly distributed among the officers of the Massachusetts Volunteer Militia by the adjutant-general: *provided*, that the cost of the same shall be only for the press-work, paper and binding of the same, at the rates established by contract with the state printer, and not exceeding two hundred dollars; and *provided, further*, that such cost shall be defrayed out of funds derived from sales already made of condemned arms and equipments by the quartermaster-general of the Commonwealth.

Approved April 4, 1860.

Chap. 82. RESOLVE IN RELATION TO EXPENSES OF CERTAIN COMMITTEES.

Concord and
Sudbury mead-
ows, E. Cam-
bridge house
of correction,
state loan to T.

Resolved, That there be allowed and paid, and the same is hereby appropriated, a sum not exceeding one thousand dollars, to defray expenses authorized by the legislature, and incurred by the committee on Concord and Sudbury Mead-

ows, the committee on alleged abuses at East Cambridge house of correction, the committee on loan of state credit to the Troy and Greenfield Railroad Company, and for clerical assistance to the committee on finance.

and G. R. R.
Co., committee
on finance.

Approved April 4, 1860.

RESOLVES FOR THE COMPENSATION OF THE VALUATION COMMITTEE. *Chap. 83.*

Resolved, That there be paid out of the treasury of this Commonwealth to each member of the valuation committee, three dollars and fifty cents for each and every day's actual attendance, not exceeding ninety days in all, and two dollars for every ten miles travelled from their respective places of abode to the place of the sitting of said committee once during its session. Actual attendance under this resolve shall include every day of attendance upon sessions of the committee, Sundays, days of adjournment not exceeding two days at any one time, and of sitting on sub-committees during sessions of the general committee, and sickness during the session.

Mileage and attendance.

Resolved, That the same compensation be made to the messengers, door-keepers, and pages of the valuation committee, as is allowed them at a regular session of the legislature.

Messengers, &c.

Approved April 4, 1860.

RESOLVE CONCERNING A SHIP CANAL TO CONNECT BARNSTABLE BAY AND BUZZARD'S BAY. *Chap. 84.*

Resolved, That there be appointed a committee of two on the part of the senate and five on the part of the house, to sit in the recess, and examine into and consider the subject of connecting Buzzard's Bay with Barnstable Bay, by a ship canal or channel, for the purposes of navigation, and that said committee have full power and authority to send for persons and papers, employ engineers, make surveys and soundings, collect statistics, examine localities, and to do all other things necessary to enable them to determine on the practicability of constructing such channel or canal, the best route therefor, the form and cost of constructing it, its value to commerce when constructed, and the means by which it ought to be constructed; and that said committee report the same with plans for its construction on the best route, estimates of its costs, and all other matters necessary to form a judgment on the same, to the next legislature. Said committee shall complete the duties herein assigned them on or before the fifteenth day of November next, and the secretary of the Commonwealth shall cause their report to be printed as a document of the public series, before the meeting of the next general court.

Appointment of committee.

Powers, duties, &c.

Close of duties.

Report, &c.

Approved April 4, 1860.

 The Legislature of 1860 passed 213 Acts and 84 Resolves, which received the approval of the Governor. In addition to these an Act entitled "An Act concerning the Militia," "An Act concerning the Supreme Judicial Court for the Counties of Essex, Middlesex and Bristol," "An Act for supplying the City of Charlestown with Pure Water," and a "Resolve in favor of the Town of Florida," were "laid before the Governor for his revisal," and were returned by him to the branches in which they respectively originated, with his objections thereto; being placed upon their final passage, "notwithstanding the said objections," in the manner provided by the Constitution, and a majority of the Senate and two-thirds of the members of the House of Representatives, failing to "agree to pass the same," they were accordingly declared lost.

ACTS OF 1860 CLASSIFIED.

General Statutes, or Acts of a public character, . . .	95
Special Acts, relating to individuals and corporations, . . .	118—213

INAUGURAL ADDRESS

OF

HIS EXCELLENCY NATHANIEL P. BANKS.

REPRESENTATIVES' CHAMBER, Jan. 6, 1860.

At one-half past twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS:

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES:

At a period when social feelings are stimulated by the festivities of the season, when the mind of every person involuntarily reverts to the events of the past year, and anticipates as far as possible the prospects of the future, we are assembled in obedience to the constitution and laws, as representatives of the people, to review the measures of government, to examine critically the condition of the State, to strengthen that which is productive of public good, and to qualify, remedy, or remove, that which incites individuals or communities to actions detrimental to the Commonwealth.

There is no higher commission given to men, in secular affairs, than this. It brings in review, and properly subjects to our consideration all conditions of life, all elements and agents of power, all principles of human action, all results that flow from experience, in private or public life, and every element of success in government, from the direction of the family to the creation of states and empires. In the dim centuries that separate us from the period of creation,

there are fewer instances of transcendent genius exhibited in the government of men, than in any other vocation, which claims their attention or satisfies their ambition.

The selection of agents, charged with such powers, is one of the most responsible duties that falls to the lot of men. It is not the trivial, conventional, inconsequential act, we are sometimes accustomed to consider it, and more than most other pursuits it requires in the representative, experience, education, sound judgment, invincible resolution, great capacity for labor, unconquerable faith in truth and in men;—and unselfish purposes, discrimination of character, power to distinguish caprice from principle, and a love of country that surpasses every thing but the love of justice and liberty on the part of electors. It is a privilege to be invested with such powers for such purposes, and few states furnish a nobler theatre for their exercise, than the Commonwealth you represent.

Entering upon the discharge of our duties for another year, we cannot fail to recognize the protecting hand of an all-wise Providence in the innumerable blessings which sustain and surround us. It has been a year of uninterrupted progress. The seasons have been propitious; public peace has been undisturbed; public health preserved; public and private charities have been munificently dispensed; a more than average prosperity has crowned enterprise and toil in the various industrial pursuits, and the Divine compensations which Providence has established for the happiness of those occupying opposite estates, and fulfilling different conditions in life, have never been more manifest to the comprehension of men.

The productive farming interest of the Commonwealth has been rewarded with no more than ordinary success, but the spirit of inquiry and of systematic organization has been greatly stimulated during the year. The Act designed to promote organization of farmers' clubs, and to enlarge the scope of associated effort, has already produced beneficial results.

The State Cabinet, which has natural relations to this department of industry, has been enlarged, without public expense, by the accession of more than three thousand specimens, illustrating the natural history of the Commonwealth. The re-publication of the Report upon Insects Injurious to Vegetation, will be completed during the year, and will exhibit in its preparation and publication, as high an order of scientific and artistic capacity as any similar work of any country presents.

The mechanical, manufacturing and commercial interests are recovering from recent depression, and will soon exhibit, with such aid as the general government may properly grant, their former vigor and success.

During the year past, the important work of consolidating and arranging the General Statutes has been completed. This responsible labor has encountered more or less of the direct supervision of six legislatures. The plan and purpose of the work must be assumed, therefore, to have received the stamp of public approbation. The report of the commissioners, with the modifications of the legislature, in execution of that plan and purpose, are now invested with all the forms of law. Some months must elapse before the work can be presented in print, or operate as law, it having been provided that the code shall have legal effect "from and after the thirty-first day of May, 1860."

There are weighty and popular objections to enterprises like the revision of an entire code of laws—such as the doubt thrown upon their intention and meaning, and the uncertainty, delay and expense consequent upon the necessity of re-examination and renewed judicial interpretation. But this objection is constantly diminishing until in the progress of the work it disappears altogether.

The necessity of occasional revision, growing out of the accumulation of statutes, in volumes so numerous as to place them beyond the reach of the people, is equally imperative, and this is a necessity—with our customs of legislation—that is constantly increasing. It must be assumed, therefore, that there is a point at which revision and consolidation are unavoidable. It is equally just to suppose that one experiment of this character will never be repeated until all the difficulties attending another are entirely forgotten. I believe that in this instance the labors of the commission and the legislature will receive and are justly entitled to public approval.

It offers to us, however, an opportunity to consider,—in view of the expense, delay, and uncertainty attending the re-examination and interpretation of laws once judicially settled, or the impossibility of fully comprehending laws scattered through many disconnected volumes,—whether we may not limit difficulties and dangers by restricting legislative changes to cases of actual and pressing necessity, or at least to those in which a positive public convenience will manifestly outweigh the evils of immature legislation. No greater misfortune ever occurs to a nation, and no more dangerous lesson is ever taught than that of undue reliance

upon statutes. Governments should be of laws, and not of men, as our constitution most wisely declares; but it is equally true, that a state which seeks the preservation of its liberties and rights must rely on men as well as laws. Social and political institutions are the embodied traditions and customs of long established communities, and statutes which run counter to them, however just in a theoretical view, fail to accomplish anticipated results, and impair the respect which all laws may justly claim. An effective statute is one which unites correct political principles with the established public opinion and fireside maxims of a community, and its legitimate object is not merely to reform opinion, but to support, step by step, the advanced positions gained. It never outruns, and often wisely falls far short of public sentiment. It is less a standard to which opinion is to be advanced, than a battery for the protection of victories already won, and this is the more expedient and safer view, because public opinion is the more impressible, and statutes should be the most permanent form of power. It can hardly be doubted that if public convenience or necessity alone had been consulted, the mass of statutes lately subjected to legislative expurgation, would not have accumulated; and it is equally clear, that a close adherence to such principles of legislation hereafter, would postpone another revision for a hundred years. It will be a great honor to commence so good a work, and I commend it heartily to the consideration of the legislature. It was the saying of an able statesman, whose words should be inscribed in letters of gold on the walls of the senate and the house:

“Our Laws are deep, not vulgar; not prompted by the spur of a particular occasion for the present, but out of Providence for the future, that the estate of the People may be still more and more happy, after the manner of legislators in ancient and heroical times.”

An amendment to the constitution, relating to the qualification of voters, has been consummated since the last regular session of the legislature. During the session of 1856, an amendment of the constitution was approved in both houses, by large majorities, which prohibited suffrage, in naturalized citizens, until after a residence of twenty-one years. In the session of 1857, those who opposed *twenty-one* years proposed a term of *two* years as a substitute, and it defeated in both houses, first the term of fourteen, and then that of twenty-one years. But for this, the proposition for the longer term would have succeeded. The ostensible object of all these measures, was to prevent fraud in elections. It

was thought by those who had proposed the term of two years, and who had defeated the amendments of fourteen and twenty-one years, that it was proper that some proposition for the correction of conceded evils should be submitted to the people, and the legislatures of 1858 and 1859 concurring therein, an amendment, fixing the term of residence at two years, was voted upon at a special election held in May last. There were 21,119 votes in the affirmative, 15,398 in the negative. I have the honor to lay before the legislature a record of the votes on this question, from which it will appear, in my judgment, that some check upon the irresponsible creation of voters on the eve of elections was desired, without, perhaps, any positive opinion what was required; and that neither the naturalized citizens nor those who in their political relations most affiliate with and support them, thought it expedient or necessary to make any systematic or general opposition to the adoption of this amendment of the constitution.

It frequently occurs in government that a remedial measure may prove inadequate or over-stringent for the accomplishment of its avowed purpose. The facts connected with the canvass of 1858, will show in which direction this measure erred.

I have obtained from the records the names of 2,688 persons who were naturalized in 1858. Of this number 2,143 were made citizens in the courts of the United States, 545 in the State courts. Of those naturalized in the courts of the United States, 1,745 were naturalized within sixty days; 1,615 within thirty-five days of the election. More than 1,500 were made voters in two Congressional Districts, the far greater proportion of these, beyond any question in one, which was the only sharply contested district in the State.

Now there is no man living who will say that a thousand new-made voters—and it is believed that the number in the Fifth District exceeded this, who might as well have floated into any other—should be suddenly presented at the polls of a contested district, and thus, unknown to residents or voters, be invested with the power to decide an election that might control the organization of the House of Representatives of the United States. It is immaterial what parties may be benefited. It is a privilege which belongs to no other class, and ought not to be exercised by any class of men. Between the creation of a cordon of voters like this, and the day of election, there ought to intervene such a period of time as would enable citizens to know their opponents, and ascertain the numbers they are to encounter. It

may be that a term of two years is unnecessary. From the record of naturalization in 1858, it would appear that one year, six months, ninety days, even, would be abundantly sufficient to allow the claims of men as residents, citizens and voters to be considered before they were announced as victors in any political contest ; and this is all the protection that Massachusetts seeks. She cares little for the opinions of men, and less where they are born, for here at least origin is immaterial, and opinion free.

There is, however, and should be no fractional citizenship. When a man is once invested with the rights of a citizen, the country which creates him is bound to protect him in whatever position and in whatever realm he stands.

The department of education will appear from the various reports issuing therefrom, to be in most prosperous condition. Public inquiry into its operations has been greatly stimulated during the year from various causes, with beneficial results. The number of scholars in attendance has been somewhat less than usual, but appropriations by towns and cities have been more liberal. The Normal Schools are fully attended, and their progress satisfactory. The beneficiaries of State Scholarships in the several colleges have maintained, with very few exceptions, the advanced rank required by law.

It is necessary that the State beneficiary should maintain position in the first half of his class. Of forty-eight students, forty-four have fulfilled this condition, and thus maintain more than an average rank. The operation of this measure has been entirely satisfactory. The State is represented by young men of excellent character and qualifications, and numerous applications for appointment are made as vacancies occur.

A statute of the last year requires that once in three years the question of the continuance of separate school districts shall be submitted to the people of the towns where the system is continued. The discussion consequent upon such action cannot but prepare the public mind for the changes necessary to the consistent and harmonious operations of the whole system of education established in this Commonwealth.

I am not aware that special legislation is required in this department. I commend to the consideration of the legislature the Reports of the Board of Education and the Secretary of the Board. They embody views and facts of vital importance to the Commonwealth and the cause of education.

I may be pardoned, while speaking of this subject, for suggesting, that in future donations to collegiate institutions, it would be wise, as a general rule, to make specific appro-

priation of the bounty of the State, to which some condition could be affixed, in the form of scholarships, for the benefit of deserving students. Thus, instead of adding a sum to the general fund of an institution, to be expended in buildings, or in discharge of outstanding obligations, why should not the legislature limit every donation to the endowment of a professorship, with an equitable reservation of free scholarships, for the benefit of the people. Thirty thousand dollars would be a sufficient sum for such purpose, and with an occasional appropriation to this extent, in a brief period of years, we might establish professorships, dedicated to every science which the necessities of society, or the genius of our people should demand—agricultural, mechanical and social science, the art of navigation and of war, if need be the fine arts, music and painting, as well as the learned professions; and by which, when appropriate, and within reasonable regulations, both young men and young women might be qualified for honorable and useful pursuits. Individual munificence I cannot doubt would come to the aid of such endowments, and the Commonwealth, in the ranks of its own native and adopted students, would find men of the most eminent capacity and genius to preside over each special department of learning.

It would not be for ourselves alone that such privileges were established, but every State would profit by our wisely regulated munificence, and the scholar elevated to the chair of the professor, would in distant communities reproduce students and professors, until the whole country should appreciate the manifold and widely extended advantages of our system of education. This is, however, a subject for future consideration, rather than of present legislation. It is scarcely to be expected that the munificent bounty of last year could be often repeated by any Commonwealth.

The State of Massachusetts has been justly proud of her system of free schools, and her institutions of learning. As the pioneer of general education on the continent, she has well-founded claims to the high reputation accorded to her. We ought not to forget, however, that she has already worthy contestants for the honors of supremacy. The new States of the West have grasped with a firmer hand than our own the educational cause. Michigan, but twenty-four years a State, not only secures to her children full and free instruction in the elementary branches, but completes, free of charge, the collegiate studies of young men from whatever part of the country they come, and opens to them upon the same liberal terms the highest courses of study in the

philosophy of teaching, the science of land culture, or to qualify them for entering any of the learned professions. With all our educational advantages we are not able yet to offer conditions like these to our own or the sons of other States.

In my last Annual Message, reference was made to the benefits to be derived from the large amount of specie then in the banks. It will be noticed in the official statements of their condition, that the amount has been diminished during the year, until there remains in the aggregate less than one dollar in specie to seven of their liabilities, and scarcely sufficient to meet the provisions of the law of 1858, which demands as a necessary condition for making loans or discounts that there shall be an amount of specie equal to fifteen per centum of the liabilities for circulation and deposit. The specie in the Boston banks has been reduced more than four million dollars. It is difficult to perceive what has been gained to replace this loss to the stability and security of the currency of the Commonwealth ; it does not appear to have increased the profits of the banks, nor their ability to aid industry and enterprise by more generous loans. The returns show that the banks in Boston hold in specie but little more than the amount stated to be due from them for the purpose of redeeming the circulation of the banks out of Boston. In view of these facts, I deem it proper to call the attention of the legislature to this subject.

The enrolled militia of the Commonwealth numbers 157,848 men, showing an increase of 4,277 on the number of last year. This is in singular contrast and apparently irreconcilable with the fact presented in the educational reports that the number of children is reduced 2,925. The active uniformed militia numbers 5,736 men. Seven companies have been disbanded during the year for non-compliance with the law.

The expenditures of the department during the year, excluding salaries, amounted to \$64,057;—exhibiting a reduction upon the preceding year, of \$1,372, and making allowance for the excess of men in 1859, compared with 1858, of more than \$4,000.

The troops of the State have never exhibited greater interest, or proficiency in drill, or more thorough discipline and organization.

In addition to the arms now in the hands of the troops, a full equipment for six thousand men, there are in the arsenal 3,857 stands of arms. The annual quota received from the government the present year will number 548. During the

last year 1,500 rifle muskets of improved model have been distributed to the infantry companies, in exchange for arms of an inferior character, and orders have been given for rifling a sufficient number of field guns for the use of the artillery.

Departing from the general usage, the troops were brought into camp, in full force, at Concord, during the third week in September last. The camp was designated "Camp Massachusetts," and was established at Concord, chiefly on account of advantages offered the troops, more liberal than the terms proposed by those connected with other localities. It was honored by the presence of both Houses of the Legislature, by Major-General Wool, of the army of the United States, and by the Ancient and Honorable Artillery Company. The general interest of the troops is exhibited in the fact that, of an entire force of 5,739 officers and men, but 413 absentees were reported.

It is believed that the drill of the troops was never more constant in camp, their discipline and organization never more effective, and assuming the maintenance of a well regulated militia to be necessary, it presented a military force of which any State in the world might be proud.

The advantages of the State encampment were manifold. It cost the Commonwealth and the troops less than the camp of any preceding year. With exception of six companies from the western counties,—whose expenses were returned by the legislature, all the troops were, for the first time, without any transport or forage charges whatever, making a sum saved to them upon estimate, of \$4,700. Other charges incidental to this department, including the increased number of men, were \$1,374 less than in 1858; \$8,000 less than in 1857; \$12,481 less than in 1856; and including the reduced expenses of the troops with the reduction to the State, upwards of \$18,000 less than in 1854. The cost of the department, excluding salaries, has been for the last six years as follows, viz. :—

In 1854,	.	.	.	.	.	.	.	.	\$77,066	11
1855,	.	.	.	.	.	.	.	.	74,754	56
1856,	.	.	.	.	.	.	.	.	76,538	76
1857,	.	.	.	.	.	.	.	.	72,028	46
1858,	.	.	.	.	.	.	.	.	65,429	53
1859,	.	.	.	.	.	.	.	.	64,057	64

The troops of the different parts of the Commonwealth, when in camp together, felt assured of their relative standing, and could test in the presence of each other, the comparative

merits of superior physical qualities, proficiency in drill, and expensive equipment. All parties were alike benefited and gratified by results of their own observation and the criticism of rivals and friends.

The troops during the continuance of the camp were constantly under orders. Strict discipline was maintained; public order was in no instance disturbed; intoxicating liquors were as a general rule, excluded, from the headquarters of commanding officers, and from the field; and the troops received the benefit of extended marches, of drill by regiments, brigades and divisions, or of concerted line and field movements by the three divisions.

But the great public advantages of the camp, in my estimation, is the test to which for the first time it subjected the habits and character of our people. When first contemplated, representations were made by competent police authorities, that with six thousand troops in camp, for nearly five days, and such concourse of spectators, as must be drawn together, it would be impossible to avoid scenes of violence and public disorder, or crime and loss of life.

Nearly six thousand troops were in camp for the better part of five days and four nights. A hundred thousand spectators were present in the course of the three days of active military duty. No disturbance arose, not an affray occurred, not a fruit garden was invaded, not the slightest injury to person or property was reported. But eleven persons were arrested in the town during the week, of whom seven were discharged without examination, one upon examination, two paid slight fines, and one was bound over for passing a worthless bill—all offences, except the last, of the most trivial character.

This presents a topic for the press and the pulpit. It exhibits the character of our population without gloss in its most exposed condition, and proves beyond possible question that through the instrumentality of public schools, temperance organizations, the instruction of the press and the pulpit, there has been a palpable, permanent, universal and gratifying improvement in the character and habits of the people. We need not recur to a military review of but two days' duration, attended by 1,500 troops, twenty-one years since, which still has historic interest, to mark the direction and extent of the change.

While it is instructive to note the improvements made from one generation to another, it is equally advantageous to mark the points in which we have failed to maintain the standard of other days. Our public assemblies exhibit more

perfect order, a higher degree of general intelligence, fewer commotions of the people, greater sobriety, and there is incontestible evidence that crime is less in proportion to population. It is equally apparent that the civilization of our day has fewer manly sports, less social feeling, and, in a marked degree, less of the generous courtesies of life and of daily intercourse, that distinguished gentlemen of the old school. It seems to have been assumed that the rigid equality of democratic ideas is exhibited in brusque and forbidding manners, rather than in accordance with the rule of those who, assured of their own standing, are never forgetful of the fact that a calm temper rules the stormiest assemblies, and a courteous demeanor constitutes a perpetual and universal letter of credit. We may look to our schools and public assemblies to correct any deficiencies of this character, and to teach at least another generation that the manners of a people are among its greatest powers for good or evil.

No occurrence of the year has given me greater satisfaction than the recognition, by congress, of the justice of the long deferred claim of the State for military services during the war with Great Britain.

This claim had been pressed so many years, and encountered defeat so constantly, that it had been nearly abandoned. It is within my own knowledge, that the constant refusal to provide for the payment of the only war claim of the States remaining unsettled weighed oppressively both upon the representatives and the interests of the Commonwealth and of Maine. The deprivation of the claim itself was of less consequence than the conceded injustice of the proceeding. One hundred and fifty-one thousand four hundred and fifty dollars have been paid into the treasury from this source, and I anticipate without any reservation whatever, upon consideration of precedents which have never been rejected, that other important payments will hereafter be made upon the account of this claim, the justice of which is now recognized. The thanks of the Commonwealth are due to the representatives of other States as of our own, in both houses of congress, for their just consideration of this subject. It gives me pleasure also to acknowledge the value of the services of the special agents of the State of Maine and Massachusetts, without whose assistance it is my belief it would not now have been recovered.

For a period of nearly forty years, from 1792 to 1830, there were repeated attempts to ascertain the practicability of uniting by a ship canal the waters of Barnstable Bay with Buzzard's Bay. Various surveys have been made by the

government of the United States of this portion of the inner and outer sea and Monumet River, and the intervening land between the river-head and Scusnet harbor in Barnstable Bay. The intention of this enterprise was to afford ready access to the harbor for ships in case of war, and to facilitate the domestic trade by avoiding the perilous navigation around the Cape. The distance from Saugh-kornet Point, outside of Nantucket Shoals and Cape Cod to Boston Light, is one hundred and ninety-eight nautical miles. The distance across the Cape at Sandwich to the river-mouth is eight statute or six nautical miles.

There is scarcely a trace of the numerous surveys and reports upon this still interesting enterprise remaining in the archives of the State. I have with considerable difficulty, and the aid of the distinguished superintendent of the coast survey department, obtained copies of several different surveys of the engineers of the United States, and various maps of this portion of the Cape; also reports of the legislature, and a statement of the domestic tonnage of this port, from 1790 to the present time. I have the honor to transmit these papers to the legislature, with a letter of Professor Bache, and I recommend that they be printed for preservation on the files of the legislative department, with such other papers as may be procured relating to this subject.

The State Prison, at Charlestown, and other correctional establishments, are in good condition. The prisoners have been kindly treated, comfortably clothed and fed. This department exhibits the average condition as to bodily health, and a more than ordinary spirit of decorum and content. The financial condition of the State Prison is greatly improved. Hitherto for several years past, an appropriation, ranging from ten to twenty thousand dollars over its income, has been annually required. It is expected that the unexpended balance of appropriation (\$5,370.26) remaining from last year, will pay the expenses of the coming year without further provision. No appropriation will be required after the present year, and it is believed from the experience of the past year, that the prison after paying the ordinary expenses of its support, will leave hereafter a surplus of five or perhaps ten thousand dollars annually to be paid into the treasury of the Commonwealth.

The foundations of a new wall, enlarging the limits of the prison, made necessary from the increased number of convicts, have been laid, and the structure will be completed early in the present year. Additional light and air have been furnished to a portion of the convicts by opening four-

teen large windows in the northern wing of the building. The supplies for their daily support have been increased in quantity and improved in quality. The change made by permission of the last legislature in the rations furnished them, has proved to be of great benefit, and it is believed that it will essentially contribute to the discipline of the prison and the personal comfort of convicts.

I present to the legislature a statement of pardons granted during the year. The number is greatly reduced, compared with that of preceding years. I am constrained to believe that great public wrong is occasioned by the too frequent exercise of this power. It is represented to be a general belief on the part of convicts, that a probable chance of pardon will exist upon the expiration of half a sentence.

Jurors confess, in the executive chamber, in presenting applications for pardon, that convictions have been made without positive evidence, in some cases without a serious conviction as to the guilt of parties. There have been prosecutions unduly pressed upon the assurance that if wrong occurred, a pardon would present a remedy, and a sentence is imposed, sometimes with the belief that it would not be fully executed.

This general expectation of pardon on the part of so many parties, relieves the different parts of the criminal tribunals of that responsibility which ought to exist, and promotes crimes by making punishment uncertain or sentences unduly severe. It would be well if the legislature should request of the executive department an annual report upon the exercise of this power.

The department of alien commissioners has been vigorously administered, and the results of the year will be seen in part in the great reduction of the number of paupers and pauper expenses.

The State Reform School at Westborough, still suffers from the disasters of the last season. A portion of the boys have been removed to the building in the village. Temporary repairs have been made in the main building, and provision has been made for the reconstruction of the school buildings upon a somewhat different plan than that originally adopted. Vessels have been purchased for a nautical branch of the school, and will soon be ready for pupils.

The finances of the State are in a prosperous condition.

The permanent loan to railway corporations is,	.	.	.	\$5,099,355	00
The permanent State loan,	.	.	.	1,314,000	00
Total permanent loan,	.	.	.	\$6,413,355	00

Full payment of this debt is provided for: \$175,000 becomes due in July and December, and will be paid from the "Debt Extinguishment Fund." The scrip issued on account of the consolidation of the statutes must be added to the debt—\$150,000.

The temporary loan in anticipation of the revenue is \$264,647.

The ordinary revenue for the present year is estimated at .	\$751,650 00
Ordinary expenditures, ...	\$966,400 00
For public buildings, ...	53,000 00
Total, ...	\$1,019,400 00

Leaving a deficit of \$267,750 to be supplied by a State tax. This is less than any State tax since 1852.

The State tax of the last year amounted to \$299,994; that of 1858, to \$359,988; that of 1857, to \$899,973.

It is probable that some reduction may be made in the expenditures of the year. The amount of expenditures of last year for extraordinary purposes was \$202,935. Of this sum \$150,000 is provided for by the issue of scrip. It would appear that a larger proportion of this sum is charged to the past year than is equitable. There is estimated for public buildings this year, \$53,000.

About \$40,000 have been saved in the management of the State Almshouses and Rainsford Island Hospital, compared with 1858.

The great continuing waste of public money is to be found in the arrangement of criminal costs, to which the attention of the legislature was called last year. These costs—two-thirds of which are paid from the State treasury—increased from \$79,800 in 1851, to \$223,000 in 1858.

The transfer of these costs to the counties and towns, would at once reduce them nearly to the amount paid in earlier years.

It is not a transfer of taxes from the State to the County, but it will be an actual reduction. The counties and towns being responsible for the payment, will examine into the administration of criminal law. No inconvenience will arise from this course. I have returns from nearly twenty States, in all of which criminal costs are paid by counties or by parties. New York requires the county which asks a requisition upon another State, to pay all expenses. It is a just regulation. The change in this State will relieve us of a great part of the general tax, without imposing it upon counties.

There is another consideration which makes the change important. I am entirely satisfied that actual crime does not increase in proportion to population. The returns exhibit this result, and it is confirmed by those best acquainted with the criminal calendar. This is a gratifying result, especially when we reflect upon the great increase of foreign population, and the fact that of 1,870 persons confined in the various correctional establishments last year, 761 were of parents of foreign birth, as appears from tables returned to the Secretary of the Board of Education.

But while convictions for weightier criminal charges are actually diminished, the criminal costs seem to show a frightful increase of crime. For the five years ending 1852, the convictions were 1,818; for the five years ending 1857, the convictions are 1,651, a reduction of 137 annually. The criminal costs had increased from \$557,000 in the first period of five years to \$1,264,000 in the second period. It is apparent that we should either admit a great increase of crime or re-organize our system of criminal costs. The difference in expense is immaterial compared with the injury inflicted upon the name of the State. These numerous arrests are regarded elsewhere as evidence of the failure of our system of civilization. The remedy, both for the moral and the financial evil, is to place the responsibility where the crime is found, whether actual or factitious. Ignorance promotes crime, and when towns and counties find themselves charged with its consequences they will seek a remedy. Education, police supervision, friendly advice, reformatory associations and pulpit instruction will be resorted to for the removal of an evil which is too lightly regarded where communities do not feel they are responsible for it. This is a subject of great importance, and I commend it to the serious consideration of the legislature.

Recent occurrences call attention to the measures, tendencies and principles which seem to control the national government. Great changes have occurred during the last five years, in the opinions of the people, but far greater in the policy of the government.

There has not been in this Commonwealth, at any time in twenty years past, a more general concurrence of opinion, or less agitation of sectional topics, than during the interval between the election of 1852 and the opening of the thirty-third Congress, after a somewhat compulsory, but general acquiescence in the compromise measures of 1850.

This harmony of feeling upon the subject of slavery was not disturbed in this Commonwealth by philanthropists,

agitators, declaimers or theorists. The public records of the time will show this. Ideas are very powerful, but revolutions in opinion or government rarely or never occur unaccompanied by events commensurate with them and their results. There is no greater error, than that which attributes the present disturbed condition of the public mind to the speculations of scholars, or the denunciations of enthusiasts. It is attributable to historical events; ever memorable events; events connected with the government, and which were alike beyond the control of agitators, philanthropists, abolitionists, and even of the people themselves.

It is worth our while to consider some of these national occurrences;—such as the repeal of the Missouri Compromise,—a conspiracy against the people of the South as well as the North; the invasion of Kansas by bands of men, armed with the plunder of public arsenals, to overawe the officers appointed by the President of the United States with the consent of the Senate, and to subvert the government of the people by force; the gigantic frauds committed in the elections of that territory, which were denounced by the government officers as by the people; the sacking of towns and the murder of their inhabitants; the rejection by congress of a constitution framed by the people, and the effort to force upon them against their will, and against all principle and precedent another framed by congress; the illegal and defiant renewal of the foreign slave trade; the attempt to force a surrender of the political rights of the states and the people, by referring political questions to judicial decision; the deadly assault upon a senator of this Commonwealth while in the constitutional performance of his duty in the senate chamber; the sacrifice of a senator on the Pacific Coast, because, as he said in the agony of death, he had opposed the extension of slavery; the neglect of every interest of labor and of commerce, by government, and the prostitution of all its powers to the spirit of slavery propagandism; the invasion of the mails, and the threats of disunion and revolution, whenever a check by the constitutional change of national policy is suggested;—these are among the events, that have contributed to the present state of public opinion. It required incidents of no less magnitude to produce such results. Were the press suspended and every lip sealed as with the silence of death, they would still incite every manly heart, to indignant, though fruitless resistance.

But it is not merely that which is past that disturbs the country; it is the fear of that which is to come. The repeal of the Missouri Compromise was the most stupendous public wrong ever committed in this country, or that men will ever live to commit; not because of its effect on Kansas, but that it initiated a policy of violence inconsistent with liberty or just government, freedom of opinion, the interests of labor, the rights of states, the equality of the people, the observance of constitutional limitations, or the perpetuation of free institutions. A violent policy must be sustained by violent measures. History proves it, and our experience, as that of other nations, will verify it.

It is idle to charge upon the body of the supporters of the national administration any deliberate intention to establish measures inimical to the public interests. They probably have no such purpose, and may justly disclaim it; but it is nevertheless true that the men who direct that policy will allow, and can allow, no peace. They must submit themselves to the law of necessity which governs them. The administrations of 1852 and 1856 were in direct and absolute contravention of every declaration of purpose, personal and official, on the part of their leaders; and it is not difficult to foresee that similar results will again occur if power is continued in similar hands. We may go further, and name the time when such invasions of the settled policy of the country will happen. The interval between Presidential contests, when elections are unimportant, and decide nothing, is a convenient period for the consummation of revolutionary measures; and the return of the grand contests for political power is equally auspicious for threats of dissolution, and appeals to the fears of some classes and the magnanimity of others, for an acquiescence in conceded wrong, upon the pretence that it is to silence dissension and terminate all controversy.

It is unnecessary to say that this Commonwealth is opposed—inflexibly and almost unanimously—alike to such principles and such policy. Her principles are those of the fathers of the government. She recognizes the existence of State and National governments, each sovereign and independent within its own sphere of action, and dividing the jurisdiction between them, not by territorial limits, and not by the relation of superior and subordinate, but classifying the subjects of government, and designating those over which each has entire and independent jurisdiction. Within her own borders she asserts the liberty and equality of all men. Non-responsibility, and non-intervention, as to the domestic

relations of men in other states, is alike her choice, her law, and her purpose.

Her policy is pacific and not violent, constitutional not revolutionary, submitting to constitutional authority, and seeking the general good, rather than selfish gratification or isolated aggrandizement. No act of violence, no infringement of the rights of others, whether of states or of men, no denial of the provisions of the constitution, no impeachment of the union of states, is consistent with her principles or her policy.

Her people, under all circumstances, are inflexibly opposed to, and will resist, by every constitutional right, the extension of slavery, the re-opening of the foreign slave trade, the consolidation of despotic power in the federal government, or restrictions upon the freedom of speech, of the press, or of opinion.

She asks of the government the neglect of no interest,—State or National,—but claims protection for all, and is as ready to concede the rights of others as to maintain her own.

She will support the Constitution and the Union, not because they are respected elsewhere, but because she knows their cost and appreciates their value. The Revolution began in Massachusetts. Here arose the earliest dissensions with the mother country; here the people were first prepared for revolt; here patriots were first proscribed, independence was first contemplated; here fell the first martyrs to liberty; the first British ensign was here struck to American seamen, and here was first unfurled the American flag. We require no instruction upon the subject of our duties, and will submit to no infringement of our rights. The Union must be preserved, and so must the State of Massachusetts.

I hesitate not to affirm that the action of this government is consistent with these principles. It is not my purpose to declare that there is universal acquiescence in such views, that individuals do not hold different opinions, or that in periods of great excitement, and under great provocation, public sympathy is not excited in behalf of those who suffer from misfortunes, or are required to pay the just penalties of law.

No one who is connected with the administration of justice, and witnesses the strength of sympathy for hardened offenders, will be surprised that public judgment should be momentarily swayed by the exhibition in any man of high qualities—a love of truth, as rare as it is beautiful,

an integrity as unbending as humanity admits; in whom great suffering has perverted reason, who accepts the responsibilities of his acts without complaint, and meets death as a sailor doubles a Cape. Opinion is free and sympathy unrestrained, and it is as little remarkable that it should be manifested in such a case, as that in other parts of the country public meetings should be held to justify an assault upon a Senator of the United States for words spoken in debate. But it does not represent the government nor the matured conviction of the people as to their political duties or rights.

Nor do I apprehend that the restoration of the government to its ancient policy will weaken its bonds or tend to the dissolution of the Union. In my judgment, dissolution is one of the evils not within the scope, if it be within the purpose, of political agents. There are stronger and sterner ties than those which spring from the wish or will of interested men. The Pacific Coast is an indivisible empire. Who ever shall divide the Mississippi must possess the power to dissipate its rolling floods, desiccate its bed, and turn back upon themselves the myriads of bubbling springs and mountain rivulets that have nourished the father of rivers from the time when the evening and morning stars first sang together. The Atlantic Coast is susceptible of separation upon physical considerations, but the possession of such cities as New York, Philadelphia and Boston, that pay four-fifths of the revenues of the government, will be of sufficient importance to hold together the eastern line of States, on whichever side political power may be lodged. Disunion is not among the impending evils of this country, but the tendencies to radical and despotic changes in the form of government, are more imminent, and must challenge the serious apprehensions of the friends of constitutional liberty.

The settlement of these great controversies will not devolve upon the legislature. Nevertheless we are called upon with the people of other States to weigh well the dangers that surround us, and to reflect upon the remedies constitutionally within our power. Men may well differ as to the course to be pursued. For myself I can only submit with deference the results of my own reflection. Legislative expedients do not seem to me to be equal to the crisis. Extreme measures divide friends and unite opponents. The concurrent action of that portion of the American people whose principles harmonize, is the only sure reliance. It is a period which demands concession in immaterial things

and co-operation in the great ideas of the age. With such a spirit, silent, steady, and united action will restore the peace of the country and re-establish the ancient policy of the government.

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES :

I thank you for the attention you have bestowed upon the considerations I have presented. It is my desire to co-operate with you in all measures necessary to the welfare of the public, and I trust that the labors of the session may crown you with well deserved honors and promote the prosperity of the Commonwealth.

NUMBER OF VOTES

RETURNED BY THE SEVERAL CITIES AND TOWNS OF
THE COMMONWEALTH, FOR AND AGAINST THE
AMENDMENT TO THE CONSTITUTION, IN 1859; FOR
GOVERNOR, IN 1858; AND FOR PRESIDENT, IN 1856.
ALSO, A STATEMENT OF THE NUMBER OF PERSONS
NATURALIZED DURING THE YEAR 1858, IN THE
UNITED STATES COURTS IN BOSTON.

Votes Returned in 1859, 1858, and 1856.

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amend'm't.	Against Amend'm't.	Banks.	Beach.	Fremont.	Buchanan.
BARNSTABLE COUNTY.						
Barnstable, ...	23	37	226	140	401	174
Brewster, ...	6	11	52	16	85	34
Chatham, ...	—	18	66	54	134	73
Dennis, ...	5	52	79	24	205	22
Eastham, ...	18	4	31	9	69	6
Falmouth, ...	16	16	166	67	252	97
Harwich, ...	7	16	105	34	201	23
Orleans, ...	16	12	65	10	153	18
Provincetown, ...	9	26	143	60	300	23
Sandwich, ...	18	36	211	96	460	154
Truro, ...	7	9	48	24	120	33
Wellfleet, ...	6	29	63*	21*	97	32
Yarmouth, ...	6	16	90	32	190	32
Totals, ...	137	282	1,345	587	2,667	721
BERKSHIRE COUNTY.						
Adams, ...	16	48	495	201	677	151
Alford, ...	3	16	38	40	60	41
Becket, ...	12	27	123	46	164	45
Cheshire, ...	4	37	89	136	120	143
Clarksburg, ...	7	—	41	—	65	3
Dalton, ...	1	22	49	79	64	89
Egremont, ...	5	26	97	88	116	75
Florida, ...	3	13	72	15	72	11
Great Barrington, ...	17	52	192	136	384	148
Hancock, ...	18	9	67	31	92	26
Hinsdale, ...	1	21	146	60	155	42
Lanesborough, ...	11	13	77	93	110	109
Lee, ...	15	82	256	242	449	226
Lenox, ...	16	28	133	141	164	153
Monterey, ...	2	27	67	45	97	35
Mount Washington, ...	3	10	26	30	42	9
New Ashford, ...	1	10	8	32	22	22
New Marlborough, ...	9	115	119	87	156	117
Otis, ...	1	32	77	80	112	73
Peru, ...	7	1	71	16	90	4
Pittsfield, ...	20	103	425	340	634	354
Richmond, ...	1	15	47	50	72	60
Sandisfield, ...	—	47	133	132	177	97

* Unofficial.

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VOTES RETURNED—*Continued.*

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Hanks.	Beach.	Fremont.	Buchanan.
BERKSHIRE Co.—<i>Con.</i>						
Savoy, ...	8	25	79	75	107	64
Sheffield, ...	37	65	152	132	271	143
Stockbridge, ...	28	28	153	88	185	106
Tyringham, ...	8	39	49	54	64	55
Washington, ...	1	12	50	15	65	30
West Stockbridge, ...	11	48	126	101	162	99
Williamstown, ...	40	13	170	157	273	181
Windsor, ...	16	19	88	41	123	38
Totals, ...	322	1,003	3,715	2,783	5,344	2,749
BRISTOL COUNTY.						
Attleborough, ...	64	26	288	135	550	178
Berkley, ...	11	2	100	7	135	19
Dartmouth, ...	6	9	136	43	387	47
Dighton, ...	15	2	66	44	207	54
Easton, ...	35	13	250	56	349	65
Fairhaven, ...	74	18	287	76	509	102
Fall River, ...	376	309	656	285	1,080	229
Freetown, ...	28	15	91	34	177	42
Mansfield, ...	85	13	178	78	272	71
New Bedford, ...	192	125	1,107	545	1,801	444
Norton, ...	38	32	172	77	268	51
Pawtucket, ...	32	64	131	89	348	269
Raynham, ...	13	9	262	35	248	39
Rehoboth, ...	35	48	201	90	257	114
Seekonk, ...	7	16	110	147	205	213
Somerset, ...	44	18	181	39	196	29
Swansey, ...	20	2	112	45	173	40
Taunton, ...	223	111	626	309	1,358	453
Westport, ...	7	9	139	10	325	9
Totals, ...	1,305	841	5,093	2,144	8,845	2,468
DUKES COUNTY.						
Chilmark, ...	7	2	19	27	35	45
Edgartown, ...	9	27	117	80	197	65
Tisbury, ...	9	7	49	70	85	51
Totals, ...	25	36	185	177	317	161
ESSEX COUNTY.						
Amesbury, ...	88	29	244	125	441	116
Andover, ...	60	20	303	38	690	187
Beverly, ...	57	26	435	67	807	119
Boxford, ...	21	3	64	8	132	21

GOVERNOR'S ADDRESS.

VOTES RETURNED—Continued.

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
ESSEX COUNTY—Con.						
Bradford, ...	33	8	129	62	179	81
Danvers, ...	51	10	260	42	1,076	176
Essex, ...	13	15	130	72	248	78
Georgetown, ...	64	8	197	45	258	87
Gloucester, ...	216	44	431	191	772	171
Groveland, ...	20	6	154	40	236	49
Hamilton, ...	10	1	79	21	105	41
Haverhill, ...	246	55	726	295	1,087	325
Ipswich, ...	30	13	230	94	327	69
Lawrence, ...	355	248	603	334	1,064	388
Lynn, ...	353	53	1,164	433	1,776	525
Lynnfield, ...	19	10	46	17	113	26
Manchester, ...	47	16	145	51	227	47
Marblehead, ...	123	67	543	432	556	488
Methuen, ...	48	23	192	104	299	141
Middleton, ...	27	5	81	39	141	31
Nahant, ...	17	9	20	14	28	12
Newbury, ...	22	12	150	36	201	32
Newburyport, ...	284	148	539	558	1,133	483
North Andover, ...	41	41	89	70	*	*
Rockport, ...	72	10	291	106	335	104
Rowley, ...	30	5	91	44	159	31
Salem, ...	511	132	983	380	1,639	445
Salisbury, ...	100	8	161	57	423	80
Saugus, ...	26	13	94	58	200	90
South Danvers, ...	109	23	437	79		†
Swampscott, ...	19	8	86	33	141	43
Topsfield, ...	15	2	59	8	175	28
Wenham, ...	18	5	84	16	154	21
West Newbury, ...	30	24	200	60	266	45
Totals, ...	3,175	1,100	9,440	4,039	15,388	4,580
FRANKLIN COUNTY.						
Ashfield, ...	5	48	206	36	271	21
Bernardston, ...	17	19	90	61	136	47
Buckland, ...	3	65	125	67	204	84
Charlemont, ...	5	30	113	28	163	33
Colrain, ...	1	45	133	65	231	71
Conway, ...	3	48	169	74	239	81
Deerfield, ...	5	91	242	128	357	117
Erving, ...	11	1	31	12	65	13
Gill, ...	3	25	44	43	72	53
Greenfield, ...	6	79	278	121	385	148
Hawley, ...	—	26	111	8	149	6

* With Andover.

† With Danvers.

VOTES RETURNED—*Continued.*

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amend'm't.	Against Amend'm't.	Banks.	Beach.	Fremont.	Buchanan.
FRANKLIN Co.— <i>Con.</i>						
Heath, ...	—	24	76	24	94	16
Leverett, ...	2	13	74	33	143	44
Leyden, ...	1	18	63	18	92	21
Munroe, ...	6	4	25	1	36	—
Montague, ...	3	20	116	50	225	27
New Salem, ...	3	35	94	50	154	45
Northfield, ...	1	44	129	82	238	106
Orange, ...	20	6	125	114	208	85
Rowe, ...	—	22	52	24	71	24
Shelburne, ...	6	61	172	25	277	23
Shutesbury, ...	—	76	79	24	129	24
Sunderland, ...	18	12	114	23	147	18
Warwick, ...	6	36	104	65	149	51
Wendell, ...	3	23	52	56	88	48
Whately, ...	14	14	77	92	122	65
Totals, ...	142	885	2,894	1,324	4,445	1,271
HAMPDEN COUNTY.						
Agawam, ...	8	17	85	82	150	75
Blandford, ...	10	52	100	85	181	61
Brimfield, ...	7	51	137	63	188	53
Chester, ...	17	2	114	68	195	80
Chicopee, ...	70	103	375	268	579	313
Granville, ...	3	10	86	98	154	96
Holland, ...	1	15	29	30	55	24
Holyoke, ...	55	32	164	96	271	148
Longmeadow, ...	11	26	92	35	205	40
Ludlow, ...	3	4	106	68	158	75
Mouson, ...	25	56	158	105	287	73
Montgomery, ...	5	16	30	25	50	31
Palmer, ...	44	56	223	131	307	129
Russell, ...	1	15	44	52	51	59
Southwick, ...	9	53	89	108	160	117
Springfield, ...	157	335	961	893	1,380	799
Tolland, ...	—	13	51	46	76	41
Wales, ...	3	13	58	38	101	24
Westfield, ...	20	100	339	390	530	370
West Springfield, ...	7	37	145	31	204	49
Wilbraham, ...	20	40	145	64	251	73
Totals, ...	476	1,046	3,531	2,776	5,533	2,730
HAMPSHIRE COUNTY.						
Amherst, ...	19	24	249	85	420	48
Belchertown, ...	28	70	222	56	418	73

VOTES RETURNED—*Continued.*

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
HAMPSHIRE CO.— <i>Con.</i>						
Chesterfield, . . .	17	28	97	40	153	25
Cummington, . . .	—	40	173	15	184	13
Easthampton, . . .	6	77	168	24	210	21
Enfield, . . .	22	14	78	44	185	16
Goshen, . . .	1	27	69	2	95	3
Granby, . . .	1	40	115	11	167	16
Greenwich, . . .	24	21	72	32	101	48
Hadley, . . .	30	38	180	38	309	18
Hatfield, . . .	5	12	112	20	150	28
Huntington, . . .	2	25	92	27	136	40
Middlefield, . . .	†	†	76	3	110	7
Northampton, . . .	30	144	552	124	765	139
Pelham, . . .	14	17	59	35	100	50
Plainfield, . . .	4	16	101	2	135	4
Prescott, . . .	15	12	39	20	70	21
South Hadley, . . .	13	47	161	42	284	51
Southampton, . . .	1	78	108	7	209	7
Ware, . . .	67	67	223	61	368	108
Westhampton, . . .	4	23	94	1	117	6
Williamsburg, . . .	2	62	180	55	284	68
Worthington, . . .	13	28	155	11	196	22
Totals, . . .	324	910	3,375	755	5,166	832
MIDDLESEX COUNTY.						
Acton, . . .	39	28	157	114	194	115
Ashby, . . .	35	7	102	30	162	40
Ashland, . . .	42	13	125*	22*	193	36
Bedford, . . .	26	6	95	48	123	40
Belmont, . . .	30	21	†	†	†	†
Billerica, . . .	40*	13*	98	48	189	53
Boxborough, . . .	5	6	28	44	36	28
Brighton, . . .	75	62	157	163	176	163
Burlington, . . .	32	2	36	32	63	41
Cambridge, . . .	570	289	1,451	1,088	1,457	852
Carlisle, . . .	14	6	48	64	71	54
Charlestown, . . .	699	378	939	1,041	1,079	954
Chelmsford, . . .	30	14	139	85	236	111
Concord, . . .	52	29	130	67	252	78
Dracut, . . .	35	9	134	79	210	77
Dunstable, . . .	4	13	28*	38	41	57
Framingham, . . .	85	44	237	123	410	175
Groton, . . .	43	17	178	59	296	73
Holliston, . . .	106	47	202	109	369	143
Hopkinton, . . .	142	132	178	148	304	184

* Unofficial.

† No meeting.

‡ New town, incorporated in 1859.

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VOTES RETURNED—Continued.

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
MIDDLESEX CO.— <i>Con.</i>						
Lexington, ...	87	14	131	76	187	101
Lincoln, ...	11	2	72	15	73	7
Littleton, ...	30	9	102	39	150	23
Lowell, ...	935	482	1,754	1,076	3,087	1,248
Malden, ...	112	17	281	133	425	159
Marlborough, ...	64	18	316	102	515	104
Medford, ...	195	27	298	194	437	157
Melrose, ...	47	16	196	69	231	84
Natick, ...	92	86	379	187	476	232
Newton, ...	76	32	457	176	639	257
North Reading, ...	38	—	128	28	184	7
Pepperell, ...	15	37	99	60	238	62
Reading, ...	121	27	226	75	428	38
Sherborn, ...	17	13	78	21	115	25
Shirley, ...	30	7	105	45	135	38
Somerville, ...	137	38	271	154	368	215
South Reading, ...	152	10	231	57	402	81
Stoneham, ...	51	26	195	104	317	128
Stow, ...	16	13	103	75	143	80
Sudbury, ...	21	20	90	76	166	98
Tewksbury, ...	14	2	93	59	137	56
Townsend, ...	12	12	153	45	282	59
Tyngsborough, ...	15	13	18	34	71	41
Waltham, ...	117	42	419	265	427	255
Watertown, ...	67*	40*	201	106	244	147
Wayland, ...	32	11	77	33	147	46
West Cambridge, ...	61	19	138	112	186	130
Westford, ...	33	27	99	62	188	62
Weston, ...	19	5	82	35	131	51
Wilmington, ...	16	4	54	21	103	31
Winchester, ...	89	21	177	91	201	94
Woburn, ...	149	89	289	170	529	317
Totals, ...	4,975	2,315	11,774	7,197	17,223	7,707
NANTUCKET COUNTY.						
Nantucket, ...	23	62	280	142	583	126
NORFOLK COUNTY.						
Bellingham, ...	24	12	86	35	173	70
Braintree, ...	51	16	234	172	310	138
Brookline, ...	116	34	149	140	198	173
Canton, ...	52	9	133	155	214	165
Cohasset, ...	15	17	96	67	143	41
Dedham, ...	73	73	353	230	495	213

* Unofficial.

VOTES RETURNED—*Continued.*

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amend'm't.	Against Amend'm't.	Banks.	Beach.	Fremont.	Buchanan.
NORFOLK CO.— <i>Con.</i>						
Dorchester, ...	148	61	419	237	808	284
Dover, ...	6	5	37	28	60	27
Foxborough, ...	133	9	162	20	355	21
Franklin, ...	54	10	150	22	293	43
Medfield, ...	21	12	80	40	138	29
Medway, ...	62	12	206	60	387	105
Milton, ...	35	26	131	89	186	104
Needham, ...	32	12	128	75	196	74
Quincy, ...	210	91	258	244	491	274
Randolph, ...	192	147	312	287	533	321
Roxbury, ...	467	442	904	888	1,049	770
Sharon, ...	67	23	105	47	182	45
Stoughton, ...	140	71	342	169	482	186
Walpole, ...	58	30	129	42	209	43
West Roxbury, ...	103	67	259	292	768	225
Weymouth, ...	85	52	356	130	348	266
Wrentham, ...	36	26	168	58	385	81
Totals, ...	2,180	1,257	5,197	3,527	8,403	3,698
PLYMOUTH COUNTY.						
Abington, ...	40	69	389	131	811	213
Bridgewater, ...	69	23	130	76	311	94
Carver, ...	45	2	75	26	132	41
Duxbury, ...	43	12	185	59	288	40
East Bridgewater, . . .	30	32	198	122	338	138
Halifax, ...	18	5	63	56	93	45
Hanover, ...	47	29	180	40	248	32
Hanson, ...	65	16	94	46	187	55
Hingham, ...	97	11	243	57	518	94
Hull, ...	12	—	23	7	27	1
Kingston, ...	13	18	138	65	221	43
Lakeville, ...	15	2	197	34	*	*
Marion, ...	18	5	67	26	†	†
Marshfield, ...	27	5	113	17	268	26
Mattapoisett, ...	36	7	162	18	†	†
Middleborough, ...	47	43	304	187	649	274
North Bridgewater, . .	108	16	434	184	681	218
Pembroke, ...	27	29	128	37	185	34
Plymouth, ...	137	55	421	166	784	147
Plympton, ...	32	5	90	48	127	48
Rochester, ...	21	6	90	20	372	46
Scituate, ...	119	48	163	45	304	46
South Scituate, ...	43	4	153	43	231	32

* With Middleborough.

† With Rochester.

GOVERNOR'S ADDRESS.

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VOTES RETURNED.—Continued.

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
PLYMOUTH Co.— <i>Con.</i>						
Wareham, ...	77	16	146	68	253	70
West Bridgewater, . .	32	9	116	25	200	39
Totals, ...	1,218	467	4,302	1,597	7,228	1,776
SUFFOLK COUNTY.						
Boston, ...	3,516	2,496	6,288	6,369	7,653	5,461
Chelsea, ...	372	87	916	408	860	335
North Chelsea, ...	25	2	40	33	46	26
Winthrop, ...	15	4	15	51	23	33
Totals, ...	3,928	2,589	7,259	6,861	8,582	5,855
WORCESTER COUNTY.						
Ashburnham, ...	58	27	182	64	341	81
Athol, ...	27	3	191	34	387	55
Auburn, ...	7	15	47	16	106	26
Barre, ...	26	36	119	139	297	105
Berlin, ...	15	10	82	11	141	10
Blackstone, ...	72	102	190	186	395	275
Bolton, ...	9	8	96	29	198	12
Boylston, ...	5	22	69	8	137	4
Brookfield, ...	13	28	131	57	242	90
Charlton, ...	25	27	151	82	124	100
Clinton, ...	53	52	225	47	353	54
Dana, ...	8	17	65	18	143	11
Douglas, ...	64	57	165	137	238	130
Dudley, ...	19	30	115	99	171	93
Fitchburg, ...	100	65	506	148	857	219
Gardner, ...	51	11	157	110	348	54
Grafton, ...	84	54	252	83	453	112
Hardwick, ...	10	49	121	59	205	53
Harvard, ...	21	12	113	104	188	74
Holden, ...	53	46	148	40	245	32
Hubbardston, ...	10	36	144	81	255	86
Lancaster, ...	39	38	148	47	232	35
Leicester, ...	69	85	168	82	294	77
Leominster, ...	58	38	273	51	497	58
Lunenburg, ...	18	16	105	48	167	64
Mendon, ...	39	26	83	35	180	47
Milford, ...	320	207	501	442	651	307
Millbury, ...	73	45	222	35	419	42
New Braintree, ...	20	8	43	17	90	6
Northborough, ...	37	18	12	28	192	21
Northbridge, ...	89	51	156	51	253	63
North Brookfield, . . .	52	56	179	38	363	43

VOTES RETURNED—*Continued.*

CITIES AND TOWNS.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
WORCESTER CO.— <i>Con.</i>						
Oakham, ...	26	3	47	13	130	21
Oxford, ...	38	31	133*	133*	318	107
Paxton, ...	7	26	72	40	120	48
Petersham, ...	15	3	142	35	210	38
Phillipston, ...	38	2	72	5	138	2
Princeton, ...	46	2	113	20	203	12
Royalston, ...	33	11	151	16	251	14
Rutland, ...	15	16	85	45	134	65
Shrewsbury, ...	57	22	124	56	237	63
Southborough, ...	37	4	121	16	203	26
Southbridge, ...	79	47	216	114	324	163
Spencer, ...	47	23	196	47	322	43
Sterling, ...	13	40	139	27	252	38
Sturbridge, ...	17	21	149	51	289	78
Sutton, ...	29	37	165	43	336	78
Templeton, ...	40	45	197	67	397	76
Upton, ...	35	22	143	43	280	47
Uxbridge, ...	108	93	192	143	352	141
Warren, ...	26	55	147	61	260	48
Webster, ...	87	83	147	103	260	102
Westborough, ...	71	69	222	51	325	47
West Boylston, ...	25	33	173	31	296	27
West Brookfield, ...	18	68	88	32	182	33
Westminster, ...	25	65	198	79	293	54
Winchendon, ...	38	22	206	46	400	77
Worcester, ...	375	467	1,748	822	2,622	764
Totals, ...	2,889	2,605	10,659	4,565	18,296	4,651

* Unofficial.

RECAPITULATION.

COUNTIES.	1859.		1858.		1856.	
	For Amendm't.	Against Amendm't.	Banks.	Beach.	Fremont.	Buchanan.
Barnstable, . .	137	282	1,345	587	2,667	721
Berkshire, . .	322	1,003	3,715	2,783	5,344	2,749
Bristol, . .	1,305	841	5,093	2,144	8,845	2,468
Dukes, . .	25	36	185	177	317	161
Essex, . .	3,175	1,100	9,440	4,039	15,388	4,580
Franklin, . .	142	885	2,894	1,324	4,445	1,271
Hampden, . .	476	1,046	3,531	2,776	5,533	2,730
Hampshire, . .	324	910	3,375	755	5,166	832
Middlesex, . .	4,975	2,315	11,774	7,197	17,223	7,707
Nantucket, . .	23	62	280	142	583	126
Norfolk, . .	2,180	1,257	5,197	3,527	8,403	3,698
Plymouth, . .	1,218	467	4,302	1,597	7,228	1,776
Suffolk, . .	3,928	2,589	7,259	6,861	8,582	5,855
Worcester, . .	2,889	2,605	10,659	4,565	18,296	4,651
Whole State, .	21,119	15,398	69,049	38,474	108,020	39,325

Number of Persons Naturalized during the year 1858, in the United States Courts in Boston.

CONGRESSIONAL DISTRICTS.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October to Nov. 4.	Nov. 4 to 30.	December.	Total.
District I. .	1	1	-	-	-	2	-	-	-	2	3	1	10
II. .	-	1	4	26	-	-	-	-	1	27	6	9	74
III. .	-	4	18	7	4	5	5	-	53	310	7	10	423
IV. } V. }	13	17	35	21	16	13	13	-	42	1,110	16	33	1,329
VI. .	8	1	7	3	-	1	-	1	4	28	8	13	74
VII. .	2	6	4	5	1	3	1	-	12	82	5	8	129
VIII. .	1	2	6	4	1	1	-	-	18	55	4	7	99
IX. .	-	-	1	-	1	-	-	-	-	1	-	-	3
X. .	-	-	-	1	-	1	-	-	-	-	-	-	2
XI. .	-	-	-	-	-	-	-	-	-	-	-	-	-
Totals, .	25	32	75	67	23	26	19	1	130	1,615	49	81	2,143

From the foregoing table it appears that 2,143 persons were naturalized during the year 1858, of whom 268 received their papers during the first eight months of the year, and 1,745 during the period between September 5 and November 5, being the sixty days previous to the Congressional election holden in that year; of these 1,745 persons, 1,615 were naturalized during the thirty-five days next preceding the election; of this same number, (1,745.) 363 were residents of the Third Congressional District, and 1,152 of the Fourth and Fifth Districts.

The whole number naturalized in the United States courts during the year, residing in the Third District, is 423, and in the Fourth and Fifth Districts, 1,329. The residents in the Fourth and Fifth Districts, naturalized in the State courts, make the number for those districts to exceed 1,500.

Comparative Statement of the Expenditures of the several Departments of Government, Revenue, and Surplus or Deficit, for the Years 1857, 1858, and 1859.

	1859.	1858.	1857.
Legislature, regular session, .	\$121,753 89	*\$110,552 57	*\$223,033 24
Governor and Council, .	14,265 00	*15,131 60	*14,711 44
Secretary's Office, .	20,700 00	19,376 24	25,401 47
Printing Laws, Documents, &c., .	30,078 00	†16,225 89	‡1,820 75
Treasurer's Office, .	5,000 00	4,963 49	4,981 70
Auditor's Office, .	4,450 00	3,479 23	3,359 29
Sergeant-at-Arms, Watchmen, Repairs and Fuel, .	16,020 00	9,055 92	13,408 78
Land Office, .	1,050 00	1,017 70	1,041 07
Judiciary, .	108,225 00	101,818 94	104,908 21
Bank Commissioners, .	7,600 00	5,635 18	6,414 75
Insurance Commissioners, .	5,000 00	\$5,403 97	7,795 55
Sheriffs, .	750 00	705 42	931 21
Land Commissioners, .	— —	— —	150 00
Scientific, .	45,483 81	32,796 72	‖54,199 14
Charitable, .	261,239 75	286,442 21	313,997 07
Military, including salaries, .	67,775 00	66,466 01	75,815 75
Reformatory and Correctional, .	215,324 00	263,332 71	293,029 44
Interest, .	82,700 00	84,635 01	106,323 88
Total Ordinary Expenditures, .	\$1,007,414 45	\$1,027,038 83	\$1,281,322 74
Extra Session, for districting the State, .	— —	— —	25,551 50
Consolidation of Statutes, including extra session, .	a170,000 00	— —	— —
Public Buildings, .	32,935 00	37,608 30	98,586 28
	\$1,210,349 45	\$1,064,647 12	\$1,405,460 52
Amount of Revenue, .	a1,045,000 00	1,094,995 43	1,649,062 52
Deficit, .	\$165,349 45	— —	— —
Surplus, .	— —	\$30,348 31	\$243,602 00
Amount of scrip to be issued, .	150,000 00		
	\$15,349 45		
Amount paid, of expenses belonging to previous years, .	354,608 70	517,233 38	299,991 66

* Including their proportions of the contingent fund.

† Including bills for \$3,000 not embraced in former statements.

‡ Not including \$21,836.99 for New Plymouth Records.

§ Including \$1,000 for clerk hire not in former statements.

‖ Including \$21,836.99, for printing New Plymouth Records.

a Estimated.

Expenses of State Almshouses and Rainsford Island Hospital for each year, from October to October, since the opening of the institutions.

1854,	.	.	.	.	.	.	.	.	\$61,762 34
1855,	.	.	.	.	.	.	.	.	167,197 79
1856,	.	.	.	.	.	.	.	.	177,985 69
1857,	.	.	.	.	.	.	.	.	160,786 49
1858,	.	.	.	.	.	.	.	.	171,543 44
1859,	.	.	.	.	.	.	.	.	\$131,000 00
For fires,	.	.	.	.	.	.	.	.	3,000 00
Extra for Rainsford Island,	.	.	.	.	.	.	.	.	3,000 00
									137,000 00

Of this last amount a considerable portion (much larger than in previous years) has been invested in purchases for 1860.

CONCERNING THE MILITIA.

ADJUTANT-GENERAL'S OFFICE, BOSTON, }
December 17, 1859. }

SIR:—In reply to your request, I have the honor to report that the returns made to this department show that there were 5,332 officers, non-commissioned officers, musicians and privates, present in camp in September last.

Since my last annual report, six companies have been disbanded. Company E, of the Second Battalion of Infantry, has failed to make the annual returns required by law, the present year. In 1858, these seven companies returned 260 men present in camp.

In 1858, there were 95 companies in camp. In 1859, the number of companies reported is 88, yet the returns of this year exhibit an increase of 332 officers and men present, over the number returned in 1858, the 88 companies present this year exhibiting an aggregate of 577 men more than they returned last year. The number of absentees in 1858 was 889; in 1859, only 413 were absent. May not these facts be taken as evidence of the popularity of the State encampment?

Total active militia, returned in 1859,	.	.	5,736	
“ enrolled “ “ “	.	.	152,112	
				157,848
Total active in 1858,	.	.	5,889	
“ enrolled “	.	.	147,682	
				153,571
Exhibiting an increase in 1859, of	.	.	.	4,277
over the number returned in 1858.				

The statement of the expenses of this department, for the year 1859, as compared with those of 1858, is as follows:—

1859.	1858.
Militia Bounty, . \$44,255 50	Militia Bounty, . \$41,466 00
Elementary Drill, . . 2,696 35	Elementary Drills, . . 2,797 83
Sundry Military Acc'ts, (estimated,) . . 2,704 79	Sundry Military Acc'ts, . 5,056 25
Armory Rents, (estim'd,) 10,950 00	Armory Rents, . . 12,000 00
Quartermaster-Gen's De- partment, (estimated,) 3,450 00	Quartermaster-General's Department, . . 4,109 45
\$64,057 14	\$65,429 53
Subtract expenses of 1859, ...	64,057 14
Showing a reduction in 1859, of	\$1,372 39

Notwithstanding the item of bounty money was enlarged by the increased number of men in camp this year, \$2,789.50 over the amount paid in 1858, yet every other item of expense of this department is lessened.

The expenses of this department for the current year, as above stated, amount, in the aggregate, to . . . \$64,057 14

For 1858, they were	65,429 53
1857, "	72,028 46
1856, "	76,538 76
1855, "	74,754 56
1854, "	77,066 11

The average annual expense, for the five years previous to 1859, has been \$9,106.34 more than that of this year, and the reduction in 1859, as compared with 1854, is \$13,008.97.

I would refer your Excellency to my communication under date of September 19, last, for the contrast of the expenses of transportation, &c., to the troops and the State, in attending the late encampment, with those of the years 1858 and 1857.

I may be permitted to add, that, in my judgment, the volunteer militia of the State has never been more thoroughly organized, nor in better condition for the performance of duty, than at the present time.

I am, very respectfully your obedient servant,

EBENEZER W. STONE, *Adjutant-General.*

To His Excellency NATH'L P. BANKS,

Governor and Commander-in-Chief.

MIDDLESEX COUNTY, SHERIFF'S OFFICE, }
 September 17, 1859. }

To His Excellency N. P. BANKS, *Governor of the Commonwealth:*

In reply to your inquiries, I have the honor to report that the whole number of persons arrested in Concord during the week of the State encampment was eleven. Of these, five were for drunkenness, three for assault and battery, two for larceny, and one for passing a worthless bill. Seven of the number were discharged without examination, and one on examination, and two were fined, and one bound over to the superior court.

The best estimate of the numbers in attendance would be about one hundred thousand: say fifteen to twenty thousand on the first day, forty to fifty on the second day, and thirty to forty on the last day. I have heard of no injury to property in the town, and do not believe that even a barrel of apples were stolen, or injury to that amount done during the entire week.

Truly yours,

JOHN S. KEYES.

GOV. BROWN'S STATEMENT ON CAMP MASSACHUSETTS.

CONCORD, MASS., Sept. 12, 1859.

My Dear Governor,—In the communication the trustees of the State Reform School recently sent you, they ought to have stated, that if the legislature means to rebuild upon the walls and foundations now standing, or any part of them, it will become necessary to cover them in before the approach of winter, or the frost will be quite likely to heave the foundations and topple down the walls. It may, also, endanger a portion of the walls of the building now occupied.

Allow me, now I am writing, to congratulate you upon the great success of the recent military encampment in this town. As its commander-in-chief, you cannot but be interested in the impression which the movement has left upon the minds of the people of the State, and especially upon those into whose midst such an influx of soldiers and civilians was made.

When it was understood that the encampment would take place here, our people were naturally alarmed, and anticipated scenes of disturbance, of depredations, and, perhaps, violence. This alarm prompted them to take precautionary measures for protection, while, at the same time, they made liberal provision for the most generous hospitality. The result has proved that their fears were groundless. They have not only enjoyed the opportunity of witnessing the most

extended military encampment, evolutions and reviews, that have ever taken place in New England, but the moral grandeur of the spectacle arrested their attention even more than the skilful practices of the field. It afforded an evidence, which no other opportunity has ever presented, of the allegiance of our people to law and order, and of their high regard for the good name of our ancient and beloved Commonwealth. They did not only control themselves, but their exemplary conduct and tone of feeling seemed to infuse the vast crowds that assembled from nearly every quarter of the Union, and like oil upon the waters, kept every turbulent passion down.

It is wonderful, that in the gathering of so many people, in their remaining so long together, and including those, undoubtedly, who have the least regard for the proprieties of life, that no depredations were committed upon person or property. I am yet to hear of the first instance of theft or wanton destruction of property. No hen-roosts were visited, no orchards or gardens robbed, no citizen molested in the midst of his business or pleasure, and no scenes of violence, or even disturbance, broke upon the ear of night. Some persons thought that a little more of the "pompe and circumstance" of the field would have been agreeable in the village, and would have added a pleasant excitement to the occasion.

Its success was so complete, that I have no doubt it will be imitated in other States.

I am, very truly and sincerely, yours,

SIMON BROWN.

His Excellency NATHANIEL P. BANKS, Boston.

REASONS FOR PARDONS.

Daniel Agan, pardoned November 23, 1859. Convicted at Worcester of disturbing the peace and assault. Sentenced for four months in the house of correction.

Pardoned because the Council, from the evidence, find he was guilty of no assault, the persons upon whom the assault was alleged to have been committed so testifying.

Henry W. Pratt, of Grafton. Convicted for inciting a person to break and enter the Grafton Bank. Sentenced for eighteen months.

Pardoned October 10, after having served seventeen months of his sentence, because he returned the sum stolen from the bank, for his good conduct in prison, and to encourage him in his good resolutions.

Patrick and John Fogarty and John Caton, of Chicopee. Convicted of rape at Springfield, and sentenced to the state prison for life.

Pardoned "because the committee are convinced of the entire innocence of the prisoners of the crime with which they are charged, and for which they were confined. The committee have been led to this conviction by the abundant testimony that the chief witness against these parties was dishonest, intemperate, abandoned and degraded, and not to be believed under oath; that she was both before and since the alleged outrage a notorious prostitute, and had been punished by imprisonment for her offence."

"Because she claimed at the outset only a slight pecuniary damage and compensation, and did not pretend that any outrage had been committed upon her; because your committee are satisfied that two other persons (not the prisoners) have since confessed that they were the parties who violated her person at the time of the alleged outrage, if any such were committed."

"Because the prosecuting attorney has addressed a letter to His Excellency the Governor, urging a remission of the sentence, owing to the 'facts and circumstances connected with the crime' charged."

John P. Boynton, of Salisbury. Convicted of breaking and entering the Salisbury Mills, on the 23d of May, 1859. Sentenced to twelve months in house of correction.

Pardoned because his confederate was "allowed to go on probation and recognizance" by the court, and the court would have been willing to have so ordered in his case had his friends been present to recognize for him. They have now entered into recognizance and surety that he will in the future preserve the peace, and for these

reasons and upon these conditions, satisfactory to the attorney of the district, he was pardoned.

James Weston, of Boston. Convicted of breaking and entering and stealing property to the amount of three dollars $\frac{9}{10}$. Sentenced to three days solitary and four years confinement on the first count, and one day solitary and three years confinement on the second, at hard labor in the state prison.

Pardoned because of his good behavior while in prison, and because he had served out six years and six months of his sentence, and because of his youth and previous good character. He was but nineteen years of age when pardoned.

William F. Lincoln, of Taunton. Convicted of assault and battery. Sentenced to house of correction for two years.

Pardoned because he had been confined fifteen months, and was convicted on the testimony of Henrietta W. Chase and her father, B. F. Chase, of Fall River, (the latter now being an inmate of the insane asylum at Taunton,) said Henrietta, the person upon whom the alleged assault was committed, now testifying that she was induced by her father to testify against Lincoln, in consequence of which testimony said Lincoln was convicted of the assault; that the testimony was prepared for her by her father and an attorney, and was against her judgment and sense of right, and she knows her injuries, which were very slight, were in a great measure caused by her own indiscretion, and that the testimony now given by her is voluntary, and because she believes Lincoln unjustly imprisoned.

Dennis Burke, of Boston. Convicted of robbery. Sentenced for one year in the house of correction.

Pardoned because the district-attorney finds the principal witness against Burke was the real culprit, and that there is no evidence that Burke took or received any of the money stolen; and it is the opinion of the district-attorney that the cause of justice will be advanced by the pardon of Burke.

Ellen Atkins, of Boston. Convicted of keeping a house of ill-fame. Sentenced to the house of correction for one year.

Pardoned because it was shown that she was complained of for the purpose of preventing her testimony being given in a case to be tried in the county of Middlesex, which testimony it was believed would lead to the conviction of a noted incendiary and burglar.

Albert Statia, of Springfield. Convicted of passing counterfeit money. Sentenced to one year and six months in the house of correction.

Pardoned for the reason that he was very sick with consumption, and it appeared from the testimony of the physician of the house of correction and from the testimony of other physicians that he could live but a short period, and that humanity demanded his release from imprisonment.

John Wahlow, convicted of robbery in Suffolk County in 1857. Sentenced to the state prison for five years.

On the representations of certain well-known responsible parties, friends and relatives of the prisoner, and on the personal application

of his brother, who came to this Commonwealth from Hamburg to solicit his brother's release, he was pardoned on condition that he should immediately, within forty-eight hours, leave the country. The Danish Consul at this port became responsible for his departure within the time specified.

John Goodrich, of Sheffield, was arraigned for the crime of rape. The jury disagreed, and at a new trial he plead guilty to an assault, but not guilty of the crime of rape. Sentenced to three years in the house of correction in Berkshire County.

Pardoned because of statements of the district-attorney, that he was instrumental in inducing the prisoner to plead guilty to an assault, and that it now is his opinion that he was convicted of a crime he did not commit, and because of an affidavit of a respectable citizen of Sheffield, as to the present character of the person alleged to have been assaulted.

Hollis Bolton, of Westminister, convicted of being a common seller of intoxicating liquors, sentenced to three months imprisonment in the house of correction, and fined fifty dollars and costs, amounting to eighty-eight $10\frac{8}{10}$ dollars, to stand committed until the fine and costs were paid.

Pardoned, after being imprisoned seven months, for the reason that, although he had no property of any value, he had an unexpired equity of redemption in a small estate. The original complainants, and the selectmen of Westminister, asked for his pardon, also the district-attorney of Worcester County, and because he is pledged never again to resume his former business.

Patrick McKenna, of Boston, convicted of larceny; sentenced to the house of correction.

Pardoned because it was shown that he was very sick of an incurable malady and could survive but a few weeks.

Henry T. and John Burrell, of Lynn, convicted of burglary, and sentenced to the house of correction at Lawrence for two years.

Pardoned, after having served nearly one-half their sentence, because two of the jury that convicted them now believe them innocent. They were convicted on the testimony of an accomplice, who was corroborated by his wife, in whose possession the stolen property was found; their petition was signed by a large number of the most respectable citizens of Lynn, who testified to their peaceable and industrious characters before their arraignment for the crime charged, and because of their orderly conduct and attention to business since their conviction. It was believed that the interests of the Commonwealth and the welfare of the prisoners would be best subserved by their pardon.

Wilbur Davis, of Ludlow, convicted of larceny, to which crime he plead guilty; sentenced to three months imprisonment in the house of correction.

Pardoned because he was but sixteen years of age and it was clearly shown that the boy had no intention of committing a larceny, but only a trespass. That he had no friends or counsel at his trial, and the police justice by whom he was sentenced now states that,

had the circumstances of the case been made known at the trial he should not have convicted him.

William Barnard, of Boston, convicted of larceny in 1857: sentenced to State prison for five years.

Pardoned because he was sick of consumption and could live but a short time, having been confined to the prison hospital three months, and it was the opinion of the physician that he could live but a few days.

George F. Brown, of Springfield, convicted of larceny: sentenced to two and one-half years imprisonment in the house of correction.

Pardoned upon the fact being established that Brown was in consumption and could live but a short period of time. He had been in prison about one year.

Michael Lynch, of Boston, convicted of larceny in 1854: sentenced to the State prison.

Pardoned because he was far advanced in consumption, and in the opinion of the physician "his death is near."

Daniel Quinlan, of Boston, convicted of assault and battery: sentenced to the house of correction.

Pardoned because a committee of the council found that the prisoner was in the last stages of consumption, having lost the power of speech, and that humanity demanded his release.

Catharine Tripp, of Boston, convicted of an assault, and sentenced to pay a fine of \$4 and costs of prosecution, and to be confined in jail until the said fine and costs were paid.

Pardoned at the request of the district-attorney and others, because of the severe illness of a daughter five years of age, of typhus fever. The prisoner had been in jail seven weeks.

David Powers, of Boston, convicted of an assault and of an assault upon an officer; sentenced to six months in the house of correction for the assault, and eighteen months in the house of correction for the assault upon an officer.

Pardoned because the principal witness now alters his statement of the facts of the assault being an aggravated one, and on petition of the presiding judge and others who sentenced Powers, who states that, had the witness made the statement he now makes, he should have given a very light sentence.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE SESSION ENDING APRIL FOURTH.

[To the House of Representatives, February 24.]

In obedience to an order of the house of representatives of the twentieth instant, I have the honor to transmit herewith a copy of the report of the attorney-general and the counsel on behalf of the Commonwealth in the matter of the proceedings in equity now pending in the supreme court between the Commonwealth and the state of Rhode Island.

[To the Senate, March 19.]

In answer to an order of the senate, presenting the inquiry whether, in the opinion of this department, G. M. Weston, the agent of the state of Maine for the recovery of the war debt due the states of Massachusetts and Maine, has any legal claim upon this Commonwealth for services rendered in the prosecution of that claim, I have the honor to present the following statement :

Early in the year 1858, Mr. Weston, then acting as agent for the state of Maine, at Washington, for the prosecution of the war claim, solicited the co-operation of this government, by the appointment of an agent who would, as a representative of Massachusetts, aid him in the prosecution of the debt. I at once consented to lay the subject before the legislature at its approaching session, if it should appear that there was a possible chance of obtaining a payment so long deferred, and also assured him that I should be willing to select Mr. Hanscom, whose appointment Mr. Weston desired, on the ground that he had been consulted by him, and that they had acted together in all matters appertaining to the claim at that time.

Pursuant to authority conferred by the legislature, and in accordance with the request of Mr. Weston, Mr. Hanscom was appointed agent for this state. No other person has

been appointed, commissioned, or authorized to act for this state in any manner whatever in the prosecution of this claim. No other authority was conferred upon Mr. Hanscom than that contained in the fact of his appointment, and no condition was annexed thereto, except that no claim was to be made upon the treasury for his services, unless some portion of the debt was recovered.

Before the appointment of an agent on the part of this state, some fear was expressed that if no agent was appointed by Massachusetts, the recovery of the claim would leave the state of Maine in an embarrassing and awkward position, if Massachusetts should receive two-thirds of the money, and bear no part of the expense. I did not hesitate to assure the agent of Maine, that, in such event, I should recommend to the legislature to assume its full share of the burden incurred by *the state of Maine*, with any advantages that might follow from the recovery of the claim. I have the honor to transmit to the senate the correspondence upon this subject. The contingency feared, however, did not occur. The agent was appointed, and the state of Maine has made no request for contribution for expenses on the part of this state.

If the state of Maine had incurred expenses for the recovery of the war debt from which Massachusetts derived large advantages, I should unhesitatingly recommend the legislature to assume, upon the request of that state, her proportional share of the burden.

If the agent of Maine, acting without authority of this state, has conferred upon Massachusetts, while in the service of Maine, important advantages, it would seem to present an equitable claim for compensation. Whether it be so in the case presented is a subject exclusively for the consideration of the legislature, as it is the only department of the government which has authority to recognize the service, or to estimate its value.

[To the Senate, March 26.]

A bill entitled "An Act concerning the Militia," has been transmitted to this department from the senate, for examination and approval. The purpose of the bill, and so far as it may attain the form of law hereafter, its apparent legal effect, will be to change in a material degree the basis of enrolment in the militia of this Commonwealth. I do not think this to be within the constitutional power of the legislature, and I therefore return it to the senate, in which it originated, without the forms of executive approval.

The constitution of the United States gives to congress in express terms the power, "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions: To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress." Art. 1, § 8.

No provisions of the constitution are more clearly expressed or less liable to doubtful or erroneous construction. In accordance with the demands of both the framers of the constitution and the people who accepted it as their form of government, the line is distinctly drawn between the powers conferred upon the national government and those reserved to the States.

Congress has power to call forth the militia of the States in three specified cases only: 1st. To enforce the laws of the Union; 2d. To suppress insurrection; 3d. To repel invasions; and to provide for organizing, arming, and disciplining the militia. The authority to organize, arm, and discipline the militia, and to govern such portion as shall be employed in the service of the United States, is essential to the exercise of the power first given—that of calling forth the militia in the cases specified in the constitution; and without this authority, in the absence of a regular army, the national government would be deprived of any power of its own to enforce law, to suppress insurrection, or to repel an invader. It was to avoid the necessity of relying upon a regular army, for the purpose of maintaining its laws, authority, and jurisdiction, that the framers of the constitution authorized congress to provide for organizing, arming, and disciplining the militia of the States, and for calling them forth in certain cases; an authority carefully guarded and restricted, by express declaration, to the prime necessity of every government, that of maintaining its own existence.

The authority to organize is an authority to establish, to found organically. It necessarily embraces as a primal element, the power to declare who shall be included in and who shall be exempted from the service upon which the national government must depend for the maintenance of law, the suppression of insurrections, or to repel invasions.

This power has been exercised by congress. An act approved May 8, 1792, entitled "An Act more effectually to provide for the national defence by establishing an uniform

militia throughout the United States," has distinctly specified the persons who are to be enrolled in the militia, and those who are exempt from the service. No State government has power under the constitution to change in any material manner the condition or provisions for enrollment or exemption, except it be conferred upon the State by authority and act of congress.

In the statute of 1792, *establishing* an uniform militia throughout the United States, after naming certain classes of persons who are exempt from enrollment, it is provided, that "all persons who now are or may hereafter be exempted by the laws of the respective States, shall be and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty-five years." (Act of 1792, § 2.) But no authority is given in any manner whatever to change the basis of enrollment by State legislation, except by the power of exemption conferred upon the States by act of congress; and it is obvious that an attempt to exercise this privilege of exemption by the States in such a manner as to impair or defeat the power of congress over the militia within the limits specified in the constitution, would be followed by an immediate withdrawal of the privilege itself, and thus re-establish the exclusive right of enrollment and exemption vested in congress by the constitution.

This construction of the constitutional powers of congress over the militia, does not deny or conceal the fact of the existence of a militia in the States previous to the enactment of the statute providing for establishing an uniform militia throughout the United States. On the contrary, the act itself recognizes the pre-existence of such militia forces in the States, and makes provision for the preservation of sundry corps of cavalry, artillery and infantry, then existing in the several States—in the State of Massachusetts among others—which by the laws, customs and usages thereof had not been incorporated with the militia, and declares that such corps shall retain their accustomed privileges, subject nevertheless to all other duties required under the act of the militia.

The bill which is transmitted to me is obviously intended to effect a change in the basis of militia enrollment thus established, without reference to the conferred privilege of exemption, by a material and important change in the description of the classes of persons to be enrolled.

I am constrained to say, after mature deliberation, with a feeling of deferential respect for the opinions of the legislature, and the strongest desire to concur in all its acts, that

such legislation is in contravention of the rights of congress and of the authority of the constitution of the United States; and for this reason I return the bill to the senate, in which it originated, without approval, for the further consideration of the legislature, in accordance with the forms prescribed by the constitution.

I find great satisfaction in performing this unpleasant but important duty, in the belief that the conclusion is supported by an uninterrupted series of decisions of the highest judicial tribunal of this Commonwealth, for a period of nearly half a century. In no instance, so far as I am instructed, has it been questioned by the courts of this Commonwealth, that the power of enrollment and exemption as to service in the militia is exclusively vested in congress by the constitution of the United States. In two instances has this opinion been so clearly expressed by the supreme judicial court,—a period of forty years intervening between the decisions, and each court representing a tribunal of as high authority, within and beyond this State, as any in the land,—that I cannot forbear a reference thereto, and a request that the legislature shall vouchsafe a more careful consideration of these judicial expositions of this question by Massachusetts tribunals, and of the current of intervening and earlier decisions upon the same subject by the same tribunals.

A citizen of Essex County was adjudged by a justice of the peace for that county to pay a fine for neglecting to attend in May, 1819, a muster of a militia company, in which he had been enrolled. The defendant was master of a schooner duly licensed for the cod fishery, and claimed that he was not liable to militia service, by an express act of congress, which exempts "all mariners actually employed in the sea-service of any citizen or merchant within the United States." It was contended for the Commonwealth, that the statute of this State, 1814, chapter 63, expressly made fishermen liable to militia duty. Chief Justice Parker, in delivering the opinion of the court, said:—"If *Douglas*, the respondent, was at the time the militia service required of him 'a mariner actually employed in the sea-service of any citizen or merchant of the United States,' he was exempt from military duty." "To ascertain what constitutes a mariner, within the meaning of the statute of the United States, above alluded to, recurrence must be had to the laws of the United States; because as to the regulations of the militia and of the sea-service those laws are by the constitution paramount."

"In 1811 the legislature of this Commonwealth by law exempted mariners of this description from militia service. This statute was merely declaratory, in order to remove doubts and difficulties from the minds of those whose duty it was to see to the execution of the militia laws, for if mariners, they were exempt by the paramount laws of the United States. But in 1814, the law was repealed, and fishermen of this description were again attempted to be made liable. This also is a declaratory law; and nothing more can be inferred from either statute than that the legislature of one year construed the laws of the United States differently from the legislature of another year. OUR DECISION IS TO BE FOUNDED ON THE CONSTITUTION AND LAWS OF THE UNITED STATES." *Commonwealth vs. Douglas*, 17 Mass. Rep., 49.

It is impossible to present a stronger recognition of the paramount nature of the laws of the United States, as to the regulation of the militia; and it would be difficult to imagine a case more forcibly illustrating the invalidity of State legislation when conflicting with that of congress upon this subject. The act of congress of 1792 gave the State the right to say who, in addition to the exempts named therein, should be relieved from militia service. The legislature not choosing to exercise that right, by express enactment declared that fishermen *should not be exempted*, and the supreme court by unanimous judgment disregarded the act as in contravention of the laws of the United States. "Our decision," said Chief Justice Parker, "is to be founded on the constitution and laws of the United States."

An opinion of the supreme judicial court, delivered at the request of the governor and council, December 23, 1859, signed by the chief justice and four associate justices, and approved substantially, as I am informed, by the remaining justice, presents in more forcible language and with more elaborate reasoning the same view of the paramount character of the laws of the United States upon the organization of the militia.

After a brief but comprehensive view of the nature and character of the government of the United States, with an historical allusion to the establishment of the militia and a reference to the provisions of the constitution bearing upon this subject, the opinion which I have the honor to transmit herewith to the senate concludes with the following declaration:—

"The general government having authority to determine who shall and who may not compose the militia, and having so determined, the State

government has no legal authority to prescribe a different enrollment. This power was early carried into execution by the act of congress of May, 1792, being "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States." This act specially directs who shall be, and, by necessary implication, who may not be enrolled in the militia. This is strengthened by a provision, that each State may by law exempt persons embraced in the class for enrollment, according as the peculiar form and particular organization of its separate government may require; but there is no such provision for adding to the class to be enrolled.

We are therefore of opinion, that the legislature of this Commonwealth cannot constitutionally provide for the enrollment in the militia of any persons, other than those enumerated in the act of congress of May, 1792, herein before cited.

We do not intend by the foregoing opinion to exclude the existence of a power in the State to provide by law for arming and equipping other bodies of men, for special service of keeping guard, and making defence, under special exigencies, or otherwise, in any case not coming within the prohibition of that clause in the constitution, article 1, section 10, which withholds from the State the power "to keep troops;" but such bodies, however armed or organized, could not be deemed any part of "the militia," as contemplated and understood in the constitution and laws of Massachusetts and of the United States, and as we understand, in the question propounded for our consideration.

Nor is this question, in our opinion, affected by the article 2 of the amendments of the constitution, of the following tenor:—"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

This, like similar provisions in our own declaration of rights, declares a great general right, leaving it for other more specific constitutional provision, or to legislation, to provide for the preservation and practical security of such right, and for influencing and governing the judgment and conscience of all legislators and magistrates, who are thus required to recognize and respect such rights.

In answer to the second question proposed, we are of opinion that the act of congress above cited, as to all matters therein provided for, except so far as it may have been changed by subsequent acts, has such force in this Commonwealth, independently of and notwithstanding any State legislation, that all officers under the State government, civil and military, are bound by its provisions."

I have the honor to transmit to the senate, also, an opinion of the present attorney-general of the Commonwealth, dated December 15th, 1859, upon the power of the legislature to provide for the enrollment in the militia of any persons other than those enumerated in the act of congress approved May 8th, 1792:

"The power of congress having been exercised by the enactment of the statute of 1792, which, so far as relates to the *enrollment* of the militia, is still in force, all State legislation upon the same subject matter is wholly nugatory and void. To provide by a law of this Commonwealth that a different class of men shall be selected for militia duty from those specified by an act of congress, constitutionally passed in the exercise of a power distinctly granted, is a violation of the paramount law of the land. The

militia thus enrolled are the militia who, under federal authority, may be called upon to suppress insurrection, or repel invasion. They are the militia to whom the arms and munitions of war, provided by the federal government, are intrusted, conformably to the laws of the United States. They are the militia whose organization, according to a uniform system, is contemplated by the constitution. But how can that uniformity be secured, if the laws of the United States are not to be obeyed? There may be one standard for Maine and another for California. The efficiency of the system may be wholly impaired by the enrollment of too small a number, or by including those of infirm age or feeble health. But illustrations need not be multiplied in so clear a case. Any State law, establishing a different standard of *enrollment* from that established by a law of congress, is so far unconstitutional and void."—*Opinion Attorney-General Phillips*, December 15, 1859.

In view of principles of constitutional law, that in my judgment admit of but one construction, and in the face of such judicial opinions as those to which I have referred, directly bearing upon the questions involved in this measure, I am unable to give it my approval. I appreciate and respect the obligations which rest upon the executive department to concur with the legislature in measures deemed necessary for the public welfare, and in some instances I have given an official approval to acts which my individual judgment would not altogether sustain.

In this instance, however, the conflict with constitutional duty is so palpable, the violation of the uninterrupted and uniform decisions of the judicial tribunals of this Commonwealth is so manifest, and the proposition harmonizes so imperfectly with what appears to me to be the settled opinions and constitutional traditions of the people, that I prefer, if it is to be enrolled among the statutes of the Commonwealth, it shall stand without the ordinary forms of law.

[To the House of Representatives, March 27.]

The harbor commissioners' line between Vinal's Wharf, so called, and West Boston Bridge, established by an act approved March 17, 1840, from imperfect description in the statute and extensive improvements in that locality, cannot now be correctly determined by the monuments referred to in the act or the harbor commissioners' plans. A new survey of this part of the line has been ordered at the request of the city of Boston, and plans of the engineer are herewith transmitted. They delineate, as far as possible, the line established by the original survey. If it shall be confirmed by the legislature, the subject will be relieved of doubt or difficulty hereafter, and I therefore commend it to the consideration of the house of representatives.

[To the House of Representatives, April 3.]

I have the honor to communicate to the house of representatives a letter from the attorney-general of the Commonwealth in relation to a bill transmitted to this department for consideration and approval, entitled "An act concerning the supreme judicial court for the counties of Middlesex, Essex, and Bristol."

I understand there is no objection to the original and obvious purposes of the bill; but some inaccuracies are thought to exist in the descriptive references made to the terms of the court already authorized by law, and those now proposed, which will justify further consideration on the part of the legislature, and may require correction and amendment. For this purpose, I return the bill to the house of representatives, in which it originated, without executive approval.

[To the House of Representatives, April 4.]

A resolve entitled "A Resolve in favor of the Town of Florida," transmitted to this department for approval, authorizes an appropriation of \$112.94 in favor of the town, which is made according to a statement embodied in the resolve, in consideration of the fact that said town is unable to bear certain expense, amounting to the above named sum, incurred in the support of John Conklin, a state pauper.

I do not think it just that a declaration of this character against any town of this Commonwealth should be placed upon the statute book unless the town itself admits its truth or some positive information is in possession of the legislature which requires a statement of the fact.

It does not appear from the papers accompanying the resolve, that either supposition exists in this case.

The town has paid the sum appropriated, and asks reimbursement upon the ground that it was a payment made for the Commonwealth. It may or may not be a just claim, but it does not appear that its payment can be justified upon the "consideration" stated in the resolve. The town of Florida had in 1855 a population of more than six hundred; its property valuation exceeded in 1850 \$145,000; it had in 1858 a public debt of only \$517, and its annual industrial product exceeds \$55,000.

Such a town cannot be said to be in the condition described in the resolve, and for this reason I return it to the house, in which it originated, without further approval.

[To the Senate, April 4.]

I have received from the senate a bill entitled "An Act for supplying the city of Charlestown with pure water." The object of the bill is sufficiently indicated by its title. It is to supply the city of Charlestown with pure water. For this no valid objection can be made. In many respects it is one of the most important and necessary measures for promoting the public welfare of a prosperous and enterprising city.

The details of the bill so far as they relate to the execution of the powers conferred, and the protection of private and local interests, so far as I am able to judge, are unobjectionable. There is, however, an incidental effect, which may possibly result from the execution of this enterprise, not contemplated nor desired by its friends, which calls for more careful consideration than is given to ordinary subjects of legislation. I allude to its effect upon the harbor of Boston.

It is well known that from encroachments of the sea and other causes, changes are gradually occurring in the harbor of Boston which may seriously impair its facilities for navigation and render the ship channels less capacious and secure than heretofore, for vessels of deep draught.

The true cause of such changes, so much to be deprecated and so injuriously affecting the commercial interests and prosperity of the Commonwealth, can only be ascertained by minute and thorough scientific investigation into the different results which have been produced in different portions of the harbor, by restricting the flowage and lessening the volume of river and tidal waters; by reducing the water area of the harbor; by changes in the positions of prominent islands and headlands, or by deviations in the direction and character of the main channels.

This work will necessarily be one of slow progress, of great labor, and of considerable expense. It will require the coöperation and aid of the government of the United States to make it effective, both as to the survey, and the measures hereafter to be adopted, for removing defects that may be found to exist, and in the general work of preserving and improving the harbor.

The president of the United States has ordered three of the most competent officers attached to the bureau of engineers and coast survey department, to make thorough scientific and practical surveys during the present year. A preliminary report, developing the general plan of operations, has already been made, and active field work will commence as early as the season will admit.

In tracing the history of the changes in the condition of the harbor, as exhibited by the various surveys that have been made from 1817 to the present time, this commission will be able to determine, by practical and scientific investigation, the extent, character and tendencies of the alterations that have taken place, both in the inner and outer harbors.

After a careful consideration of the work assigned them, the commissioners recommend, in a communication addressed to the mayor of the city of Boston, dated January 23, 1860, that no changes be made which will affect either the bed of the rivers emptying into Boston harbor, or its reservoirs, until they shall have had opportunity for further investigation, and additional means for a more detailed report; and they add, that they have no satisfactory information that the case of Mystic River and Mystic Pond, can be safely made an exception to this recommendation. In a subsequent report, to which reference has been made, the commissioners repeat their recommendation, "that the existing water area should be preserved until some principles and plans are recognized and adopted, by which private interests may be subserved without the sacrifice of the public good."

It would seem to be of the highest importance that any measure which may ultimately or materially affect the channels of commerce or the harbor, should be deferred until the commission appointed to investigate the subject, may be able to ascertain its probable effect, unless an imperative public exigency demands immediate action. No such pressing public exigency seems to be presented in this case.

We can hardly claim or expect the hearty coöperation of the government of the United States, in the preservation and improvement of the harbor, which can only be effected by large expenditures of public money, if, without sufficient reason, and for the advantage of local improvements merely, we adopt measures whose probable tendency is to impair existing commercial facilities, and increase the obstructions to navigation.

The seventeenth section of the bill provides for the appointment of a commission to direct the manner in which the works shall be constructed, which are to shut out the flow of tide water into Mystic Pond. This will of course require the erection of a dam across Mystic River, at some point below the pond. It cannot possibly be said that such a structure can be erected, without affecting in some manner, and to some extent, the harbor itself. In my own judgment, the immediate and unavoidable influence will be injurious. The

harbor exists chiefly through its estuaries, reservoirs and rivers. It is estimated that nearly a seventh part of the original water area has already been cut off by legislation at different periods.

It is undoubtedly true that the shrinkage of the water area may not have produced a positive injury, but its tendency is in that direction, and it suggests forcibly the inquiry whether a further, immediate and most important reduction of the area and flowage power which yet remains, is justifiable.

My own opinion is, that it is not. Others may well entertain a different opinion, or propose compensations in the form of excavations and artificial streams, in place of natural rivers, to make good the reduced area, and the scouring force of incoming and outgoing tidal waters. But so much doubt must exist in the mind of every person who carefully examines the subject, and weighs the evidence of competent authorities as to the probable and possible effects of cutting off the tidal waters from Mystic Pond, by Mystic River, as to justify at least the postponement of the execution of this local enterprise, until another legislature shall assemble.

If it shall appear upon full investigation, that cutting off the flow of tidal and fresh waters from Mystic Pond and Mystic River, by a dam across the stream, inflicts a palpable injury upon the harbor, as to its capacities for commercial intercourse between states and nations, an important constitutional question may hereafter arise involving a conflict of jurisdiction between the State and federal governments.

For the reasons I have suggested, I return the bill to the senate without executive approval.

ADDRESS TO THE COUNCIL.

HIS EXCELLENCY THE GOVERNOR, UPON THE ORGANIZATION OF THE EXECUTIVE COUNCIL, FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY, ON THE SEVENTEENTH DAY OF JANUARY, DELIVERED TO THAT BODY THE FOLLOWING ADDRESS.

GENTLEMEN OF THE EXECUTIVE COUNCIL:

The year upon which you enter offers sufficient employment for the brief legislative period which is now anticipated. Whatever truth there may have been heretofore in the remark, that the council is an ornamental branch of the government merely, it is not likely to prove such at the present time. A few suggestions upon the nature and character of the principal topics which must be officially brought to your notice, I trust will be neither ill-timed nor useless.

The original purpose of the council was to furnish to the people of the colony a representation of their interests and opinions in the executive department, at a period when executive power was not only independent of the people, but originated beyond the continent of America. In the controversies with England, relative to the government of the American colonies, the election of councillors was one of the subjects of exasperated contest between the people and the crown, and after English government ceased its control here entirely, the council assumed direction of public affairs, and exercised executive power until the establishment of the constitution of the Commonwealth.

Although the relation of the council to the government is essentially changed by the provisions of the constitution, in some respects it remains the same. But the governor and council now represent the same constituency, and are elected at the same time, for the same period. One has a negative upon some of the acts of the other, similar to that which existed in the royal government.

The general duties prescribed by the constitution, are to advise in the executive department of the government; to approve warrants on the treasury, to advise in calling together

or proroguing the general court, to advise and consent to the appointment or removal of judicial and other officers, to attend the administration of oaths of office to senators and representatives, to examine returns of votes for State officers, to advise upon the pardon of criminals, and to administer the government in case the offices of governor and lieutenant-governor shall be vacant.

Those required by the legislature are to advise in appointments for the criminal, reformatory and charitable institutions; upon the issue and disposition of State scrip, the management of State funds, to examine the accounts of the auditor and some other duties prescribed by statute.

In duties prescribed by the constitution, for the governor and council, the division of power is distinctly set forth. They are distinct and independent bodies, exercising very different powers. In all executive acts referred to them, one proposes, the other approves. In many of the duties imposed by the legislature, reference is made in more general terms to the governor and council, and the question sometimes arises whether they decide as a unit or by concurrent action. It is hardly possible, however, that under any circumstances their relations should be changed by an act of the legislature, or that their action should be in any case other than that of entirely distinct officers.

In addition to the routine functions of the council, there are some special subjects of importance to be considered at the present time. The first is the approval of bonds in favor of the Troy and Greenfield Railroad Company, in aid of the tunnel through the Hoosac Mountain. Three instalments of the scrip authorized by the legislature have been issued, amounting to \$199,800. Other issues will be called for during the present year, and will demand of the council critical and thorough investigation of the progress of the work, and the fulfilment of the conditions of the Loan Act.

The report relating to the State lands in Maine will also require careful consideration. The interest of the State in Maine lands has been very great. It has sold and alienated nearly ten million acres, for which there has been paid into the treasury more than three and a half million dollars.

The proposition now submitted to the governor and council for approval, in the report of the legislative committee, is to make a final settlement and surrender of all financial and legal interests in the remnant of public lands now remaining undisposed of, and the equitable adjustment of all outstanding claims of the State, with parties holding the position of purchasers or debtors. If the recommendation of the report

be approved, it finally disposes of all interests of this State in the public lands of Maine. This is a subject which especially requires early and careful deliberation.

The legislature of 1859, (Resolves, ch. 103,) authorized the governor and council, upon such considerations as should seem to be equitable and just, to allow riparian owners to extend wharves, to the commissioners' lines now or hereafter to be established.

Various petitions for grants of this character have been made, and others will undoubtedly be presented. The proper compensation for such grants is a matter easily adjusted, but the effect produced upon the harbor by a general acquiescence in the requests of riparian owners, authorized by the terms of the act referred to, merits a scientific investigation of the most careful nature, in order, if possible, that its probable influence may be known before the State by acts of legislative or executive character shall be committed to a policy which may work an irreparable injury to the channels of commerce. The harbor of Boston is of the greatest importance to the State, and its preservation and improvement is one of the most imperative and important public duties.

It has been customary for the council to make at least one visitation annually, to the different charitable and correctional institutions of the State. In a single case only is this required by law, but it has been thought to be within the province of its members as advisers in the executive department of the government, and it will probably be expected to continue this custom.

Although the council has no power to influence directly the management of these institutions, yet the indirect influence which results from approval of rules and regulations, appointing officers and establishing salaries, is such that a careful scrutiny into their operations would seem to be a legitimate duty; and the institutions are now conducted upon such enlarged scale, that this supervision is required of every department of government.

The number of lunatics supported by the State in the three lunatic hospitals is 415, and in the State almshouses 225; making 640 insane persons in the State institutions. The cost of maintaining those in the three lunatic asylums the past year was \$72,396; that of insane paupers is between eleven and twelve thousand dollars.

It is now beyond doubt, that one of the lunatic asylums could be dispensed with without detriment to patients or the State. That is impossible, however, upon other considerations, and it remains only to be ascertained in what manner

the noble purposes of the State can be most effectually secured.

Classification of patients is one of the most obvious and important means of success. There is little to be desired in this respect, so far as any one of the institutions is concerned, but it is worthy inquiry, whether a more thorough classification, as it regards the several institutions, could not be effected with advantage to the several classes of patients, and in a financial view, to the State.

Native and foreign born patients are of different education, habits, and character. With one race, persuasion, with another, authority, is more efficacious. I think it will be conceded by those most thoroughly acquainted with the treatment of lunatics both in this country and in Europe, that a separation of such classes, and provision for attendants of the same education and race, would have a beneficial effect upon both, and upon the general interest of the institutions.

It is also to be considered whether a more general classification of patients, as to the probability of recovery, may not be made with reference to the several institutions, upon the plan now adopted in each. The number of incurables, for instance, in all the institutions, is equal to one-half the number of State patients, and it remains yet to be seen whether a more systematic and economical arrangement, with reference to class and condition, may not be made. I am persuaded that such a course would materially improve the condition of the institutions, and relieve the treasury. It has operated well in the management of the almshouses, so far as it has been adopted with reference to children. Nearly half of the children have been placed at Monson, of whom 139 have been furnished with good homes in the families of that part of the State during the past year. I have the honor to present to the council a statement of the number of persons supported in the various institutions, and the individual and aggregate cost to the State.

The re-organization of the State Reform School, and the appointment of trustees of the nautical branch of the school, will naturally call the attention of councillors to this subject as to schools connected with other institutions. It is of the highest importance in the re-construction of the school at Westborough, and in the organization of the nautical school, that a system of government shall be adopted, and principles of admission and discharge established, which will secure the objects of the founders of the institution, and contribute most effectually to the reformation of pupils.

One of the indispensable conditions of such a result is that in regard to numbers. The school should be brought within reasonable limits. In this respect and as to the circumstances under which pupils have been sent, the school at Westborough has not been altogether fortunate, as will appear from the reports of the institution. The year before the fire there were at one time 639 pupils, and an average of 590 throughout the year. Such a number makes the institution unwieldy, and defeats its purpose. This number of boys could not have been brought together in this institution but by a departure from the original purpose of the founder and of the State. It was first intended that boys should be sentenced by the courts alone, and for crimes against law. By the statute of 1847 every justice of the peace was made a committing magistrate, and the character of offences punished by sentence to the school, is seen in the fact that of two thousand four hundred and nine boys received previous to September 30, 1858, one thousand and twenty-eight were sentenced for "stubbornness;" and if to this class is added those described as "idle," it makes one thousand one hundred and thirty-five, or very nearly one-half of the number received since its foundation. Some of these have been of that tender age, which, in the language of the reports, fitted them rather "for the nursery" than the rigid discipline of the reform school. Whatever failure there has been in the institution, has originated chiefly in these facts. In other respects it has been well governed.

The legislation of the last year has removed such difficulties for the future, but the disability exists in the school at the present time with no other change than that which arises from diminished accommodations. It seems to me that without waiting the slow operation of recent legislation, the school should be reduced to reasonable limits whenever it can be done without detriment to the principle upon which it is founded, the purpose of its founder, or the interests of the State.

In all cases, in which the governor is authorized by the constitution to grant pardons, it is provided by statute legislation, (ch. 177, § 12, new code,) that by and with the advice of the council, upon petition of the person convicted, the pardon may be granted upon such conditions and subject to such limitations and restrictions as may be thought expedient. And he may issue his warrant to all proper officers to carry into effect such conditional pardon, instead of the sentence originally awarded.

There are some petitions before me for the release of pupils now detained in this institution, who are not sentenced for crimes against law, and who are of such tender age as to preclude the possibility of danger to the public from their release, for whom homes can be provided and security given for their proper education and observance of the laws. It seems to me that in such cases, the sentence of law should be remitted. A tolerably correct family home is better for very young boys than the best public institution, and I respectfully press upon the council the consideration, whether in view of the present condition of the school, where satisfactory sureties may be given for the proper training and education of such boys by parents, guardians or friends, it is not expedient by remission of sentence to bring the institution within the limits contemplated by recent legislation, and which its future success imperatively demands.

I am happy to say that the course adopted last year in relation to pardons has produced satisfactory results. It has greatly reduced the number of pardons and the number of applications. But a more important effect of the change is witnessed in the condition of the prisons. In the year 1858 there were 189 petitions considered and reported upon by the council. Out of this number, 68 were approved. It is manifest that with so large a number of applications pending, and others waiting their turn, that discontent and uneasiness must be excited among the prisoners, either from suspense or by denial of their request. The result was perceptible in the impaired discipline of the prison at Charlestown. Last year the prisoners were informed with kindness but firmness that every thing should be done for their comfort which the laws allowed, or the generosity of the State would permit, but that the policy as to pardons would be essentially changed.

The warden now informs me—and his statement is “heartily indorsed” by all the contractors—that since the change in the laws as to diet and clothing, and the general abandonment, on the part of convicts, of an expectation of pardon, or remission of sentence, once so prevalent among them, the quiet of the prison, the contentment of prisoners, and their disposition to labor has been greatly advanced, and that the improvement, in these respects, between the present and past years is most obvious. I have the honor to lay this communication before the council. It appears also that with an average of twenty-three more convicts than in 1858, the number of punishments during the year was more than one hundred less than in that year. These facts, with the

very marked improvement in the financial condition of the prison, prove conclusively the wisdom of the course pursued.

In other respects its operation has been of greater importance. It is known by the council that pardons are sometimes urged, on the ground that it has been suggested to jurors that their action was not final, and that in the event of error the governor and council had a remedial power, and the responsibility would rest with them. In some cases jurors admit the conviction of persons charged with crime, without positive proof of their guilt, and with an intention to apply for their pardon, and in one instance it is certified that a sentence of two years was imposed by the judge, with the remark that the convict ought to be pardoned in one. Such a procedure tends in many respects to relieve the courts of the full measure of responsibility which should rest upon those who convict persons charged with the commission of crimes.

Under the former practice, when so many cases were reviewed every year, it was not an unreasonable expectation, but with the present practice of the council, the full measure of responsibility in every department of the government, for its action, is likely to be established. No greater wrong can be inflicted by the State than the conviction of an innocent man, under the impression that he may be pardoned if the verdict is erroneous. It is infinitely better that guilty men should escape, than that one innocent man should be destroyed.

The expectation of pardon on the part of so many persons, affects those who are tempted into crime, as well as those convicted, and enters into the calculations of the chances of escape.

There are few persons, I am informed, who are received at the correctional institutions, who do not entertain hope of pardon, generally, at the expiration of half the term of sentence. This will be corrected, in a great degree, by the course pursued the last year, and as soon as this expectation is removed, a more liberal exercise of executive clemency can be with safety admitted. It has also gratified me to learn that instead of its being understood by jurors that the responsibility of conviction is shared with them by the pardoning power, it has been lately urged upon them that a conviction must be made upon their responsibility, and upon their verdict, unless important facts should be elicited, not presented to them.

The severity and inequality of sentences is a subject of remark in the prison reports. The certainty of punishment

is much more efficacious in restraining and reforming criminals, than its severity. It is of course impossible that, in every case, an exactly equable standard of punishment can be established, but there seems to be opportunity for improvement in this respect, which will strengthen the arm of justice, at the same time leave prisoners without reasonable grounds of complaint, and improve the discipline of correctional institutions.

The establishment of the fact, that the sentence of the law is to be executed in good faith—unless extraordinary reasons for a different course are presented—will tend to this most desirable and just result; for it can hardly be denied that hitherto on the part of convicts, the keepers of prisons, and the public, the expectation has been different. I have heretofore suggested, that the opportunity of review of sentence, by the full bench of the court in which sentence was pronounced, might be allowed without detriment to the cause of justice. But it is true, nevertheless, that to correct this alleged grievance, it must be understood by all parties interested, that the sentence of the law when pronounced is to be enforced.

I have thus, gentlemen, presented some of the subjects brought to our consideration by the constitution and laws. It will afford me the highest pleasure to coöperate with you in all measures, and I anticipate in the discharge of my duties, important assistance from the sound judgment, extensive acquaintance with public affairs, and patriotic spirit which I am sure distinguishes those who represent the people in the council of the Commonwealth.

COST OF SUPPORTING STATE LUNATIC PAUPERS—
PUPILS IN THE ASYLUMS FOR THE BLIND, DEAF
AND DUMB, AND THE IDIOTIC SCHOOL.

Previously to October 1st, 1859, the allowance for each State lunatic was \$3 per week for the first six months, and \$2.75 per week afterwards. Since that date it has been fixed at \$2.50 per week.

The number of State lunatics in the hospitals for the year	
ending October 1st, 1859, was	415
In the State almshouses, ...	225
	640

The cost of support of these parties in the almshouses, when averaged with that of the paupers, is from 95 cents to \$1 per week. If considered alone, it might be as much as \$1.25 per week, but would not exceed that sum, with judicious management. The number of incurables in all the institutions is probably not far from 400.

*Cost of Support of State Paupers in the several Almshouses and
Rainsford Hospital.*

	Totals.	Cost per head.
Tewksbury Almshouse, ...	\$38,594 61	\$0 95
Bridgewater Almshouse, ...	31,728 91	1 00
Monson Almshouse, ...	32,137 66	95
Rainsford Hospital, ...	22,190 27	2 49
Total, ...	\$124,651 45	

The excess of cost at Bridgewater is due to the fact that about 150 of the inmates are insane and idiotic.

The whole number supported, as well as the average number, will be found in the following table:

	Whole No. supported.	Weekly Average.	
		1858.	1859.
Tewksbury, ...	3,026	952	779
Bridgewater, ...	1,768	762	604
Monson, ...	1,943	823	581
Rainsford Island, ...	633	246	171
Totals, ...	7,370	2,783	2,135

Decrease in the whole number supported,

as compared with 1858, ... 2,486 or $25\frac{4}{10}$ per cent.

Decrease in weekly average, ... 648 or $23\frac{3}{10}$ per cent.

While the number of admissions has decreased with the improvement of business, the number of discharges has *not* correspondingly decreased; hence, the number in these institutions on October 1st, 1859, is less by 341, or $16\frac{5}{100}$ per cent.—the decrease being due to their removal to their places of settlement.

The cost of supporting these institutions, for the year ending October 1st, 1858 was \$171,543.44, of which about \$6,000 must be deducted for repairs and permanent improvements, leaving a reduction in expense of about \$41,000 for the past year.

The number of children in the almshouses, October 1st, 1859, was as follows:—

	Boys.	Girls.	Total.
Rainsford Island, ...	3	8	11
Tewksbury, ...	165	102	267
Bridgewater, ...	117	97	214
Monson, ...	237	141	378
Totals, ...	522	348	870

Whole number of adult paupers, October 1st, 1859, was 913.

The amount paid to the Asylum for the Blind, being an appropriation therefor, was	\$12,000 00
The number of pupils for 1859, ...	60

The amount paid the Idiotic School, being an appropriation therefor, was	\$7,500 00
The number of pupils for 1859, ...	51

The amount paid for the support of inmates at the Asylum for the Deaf and Dumb at Hartford, was	\$8,244 71
Of which was expended for clothing, ...	558 05
The rate of payment is \$100 per annum for each pupil.	
The whole number of pupils for the year has been	78
And the average number, about	77—

The cost of supporting the State lunatics has been, at

Taunton, ...	\$28,008 32
Worcester, ...	19,877 35
Northampton, ...	24,510 33
	\$72,396 00

At State almshouses, as nearly as can be estimated, ...	14,625 00
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Total cost of lunatics, ...	\$87,021 00
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E. E.

H. B. WHEELWRIGHT.

To His Excellency Gov. BANKS.

Boston, Jan. 11, 1860.

FROM WARDEN OF STATE PRISON.

To His Excellency NATH'L P. BANKS, *Governor, &c.*

In answer to your note of this morning, I can state with great confidence that since the change in the laws, relating to diet and clothing, and the abandonment of the expectation of remissions in sentences, once so prevalent among the prisoners, "that the degree of quiet, contentment and disposition to labor," has been greatly advanced, and the improvement in these respects between the present and past years is most obvious.

Respectfully,

GIDEON HAYNES, *Warden.*

STATE PRISON, Charlestown, Jan. 10, 1860.

The undersigned, contractors for the labor of convicts at the Massachusetts State Prison, heartily indorse the opinion of the Warden as above.

AMERICAN WHIP CO.,

By L. HULL.

HEMAN S. DOANE.

CHAS. S. BREED.

EDWARD LAWRENCE.

PARDONS.

YEARS.	Pardons.	Commutations.	Executions.
1849, ...	44	1	1
1850, ...	42	—	2
1851, ...	51	—	—
1852, ...	88	—	—
1853, ...	55	—	1
1854, ...	56	3	1
1855, ...	70	1	1
1856, ...	70	1	—
1857, ...	56	—	—
1858, ...	68	2	1
1859, ...	21	—	—

ACTS AND RESOLVES
PASSED AT THE
SECOND SESSION
OF THE
General Court
OF
1860:
TOGETHER WITH
THE GOVERNOR'S ADDRESS.

The General Court of 1860, in virtue of a Proclamation of His Excellency the Governor, assembled in the State House, on Wednesday, the 29th day of May, to consider the malady prevailing among the cattle of the Commonwealth called Pleuro-Pneumonia, and was prorogued on Tuesday, the 12th day of June.

A C T S,
SECOND SESSION,
1860.

AN ACT CONCERNING BANKS.

Chap. 214

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

The time, when section first of chapter two hundred and nine of the acts of the last session of the legislature shall take effect, is hereby extended to the first day of December next.

Time extended.

Approved June 11, 1860.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FOUR OF THE GENERAL STATUTES, "OF ARREST, IMPRISONMENT AND DISCHARGE."

Chap. 215

Be it enacted, &c., as follows:

SECTION 1. Section five of chapter one hundred and twenty-four of the General Statutes is hereby amended by inserting at the end of the first paragraph before the word "First," the words "that he believes and has good reason to believe."

Section five
amended.

SECTION 2. The fifteenth section of said chapter is hereby amended by striking out in said section the words "the magistrate who issued it or any other magistrate named in section one," and inserting in place thereof the words "some magistrate named in section nine."

Section fifteen
amended.

SECTION 3. This act shall take effect from and after its passage.

Approved June 11, 1860.

AN ACT AUTHORIZING THE APPOINTMENT OF CERTAIN DIRECTORS AND OFFICERS.

Chap. 216

Be it enacted, &c., as follows:

SECTION 1. Whenever any vacancy may occur during the recess of the legislature, in consequence of death or resigna-

Governor and
council to fill
vacancy.

tion or removal from the state, in the office of state director of any corporation in which by law the state is authorized to be represented, or in any office filled by election of the legislature for which no other provision is made, the governor, with the consent of the council, shall appoint some suitable person to fill any such vacancy, who shall hold office till the assembling of the legislature and until another shall be chosen in his stead.

SECTION 2. This act shall take effect from its passage.

Approved June 11, 1860.

Chap. 217 AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER.

Be it enacted, &c., as follows :

Right of supply
and contract.

SECTION 1. The city of Boston is hereby authorized to supply the city of Charlestown with pure water at such prices and upon such terms and conditions as may be agreed upon between said cities of Boston and Charlestown; and the city of Charlestown is hereby authorized to procure of the city of Boston, as in manner hereinafter provided, a supply of pure water for the use of the inhabitants of said city of Charlestown; and may contract with said city of Boston for the price to be paid for said water.

Right to lay
pipe.

SECTION 2. The city of Boston may, under the provisions of the act for supplying the city of Boston with pure water, passed March thirtieth, eighteen hundred and forty-six, lay and maintain a suitable iron main or pipe from such of its pipes or reservoirs, within or without said city, as they may deem expedient, to such point in the city of Charlestown as may be found most convenient to connect with a reservoir, or the pipes belonging to said city of Charlestown.

Land and real
estate.

SECTION 3. The city of Charlestown may take and hold by purchase, or otherwise, lands and real estate necessary for erecting, laying and maintaining, and may erect, lay and maintain such aqueducts, pipes, reservoirs, embankments, water-ways, drains or other structures as may be necessary or convenient to convey said water into, and for the use of the said city of Charlestown. And for the purposes of distribution may lay down pipes to any house or building in said city, and may make and establish public hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within said city, and establish the prices or rents to be paid for the use thereof. And the said city may, for the purposes aforesaid, carry and conduct any

Distributing
pipe, hydrants,
&c.

Use of water.

Rents, &c.

Opening streets
and roads.

aqueducts, or other works by them to be made and constructed, over or under any water-course, or any street, turnpike road, railroad, highway, or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street, or way, for the purpose of laying down said aqueducts or other works, and for maintaining and repairing the same.

SECTION 4. The said city of Charlestown shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, or by the constructing of any aqueducts, reservoirs or other works, for the purposes of this act. And if the owner of any land which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply, by petition, for the assessment of his damages, at any time within three years from the taking of the said land, as aforesaid, and not afterwards. to the superior court in the county of Middlesex, unless sooner barred as provided in the fifth section of this act. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Charlestown, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury as hereinafter provided.

SECTION 5. Whenever any damages shall have been sustained by any persons, as set forth in the fourth section of this act, and such persons shall neglect to institute proceedings against the city of Charlestown, according to the provisions of this act, for the space of five months, it shall be lawful for the city of Charlestown to commence such proceedings, which shall go on and be determined in the same

Damages to property, &c.

Judgment for damages, &c.

manner as if commenced by the persons who shall have sustained such damage; and if such persons on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, and they shall be forever barred from recovering any damages under this act.

Trial by jury.

SECTION 6. If either of the parties mentioned in the fourth section of this act shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof: and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Of petition to the superior court.

SECTION 7. In every case of a petition to the superior court for the assessment of damages, as provided in the fourth, fifth and sixth sections of this act, the city of Charlestown, by any of its officers, may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court, to be paid to the complainant for the damages by him incurred or claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards; and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

Water bonds or scrip.

SECTION 8. For the purpose of defraying all the costs and expenses of constructing aqueducts and works necessary and proper for the accomplishment of supplying the city of Charlestown with water, and all expenses incident thereto, heretofore incurred or that may be hereafter incurred, the city council shall have authority to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof "Water Bonds of the City of Charlestown," to an amount not exceeding one hundred and twenty-five thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten, nor more

than fifty years, from and after the issue of the said scrip, notes or certificates, respectively; and the said city council may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such farther issue of scrip, notes or certificates of debt, as may be necessary therefor.

SECTION 9. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment from the net income and receipts, not only of the semi-annual interest, but also ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable: and the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water within said city, without the consent of said city, an action of tort may be maintained against him or them, for the recovery of damages therefor.

Water rents.
Sinking fund.

Liability of occupants and owners of estates.

SECTION 10. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper, for the preservation and protection of any of the works within said city connected with the supplying of the city of Charlestown with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature, and may also organize a department with full powers for the management of such works, and the distribution of the said water.

Regulations and by-laws.

Proviso.

SECTION 11. The provisions of this act shall be void, unless submitted to and approved by the voters of the city of Charlestown, at meetings held simultaneously for that purpose in the several wards, upon notice duly given at least seven days before the time of holding said meetings.

Act to be approved by voters of Charlestown.

SECTION 12. This act shall take effect from and after its passage.

Approved June 12, 1860.

AN ACT RELATING TO BANKS.

Be it enacted, &c., as follows:

SECTION 1. The provisions of the fortieth section of the fifty-seventh chapter of the General Statutes, shall not be

Chap. 218

Number of directors.

construed to invalidate the acts of any bank or of any officer of any bank, having at least five directors, provided such bank shall comply with the provisions of said section on or before the first day of December next.

SECTION 2. This act shall take effect from its passage.

Approved June 12, 1860.

Chap. 219 AN ACT TO INCORPORATE THE FIRST UNITARIAN SOCIETY IN WOBURN.
Be it enacted, &c., as follows :

Corporators. SECTION 1. J. B. Winn, Charles Choate, John Cummings, Jr., E. W. Champney, George M. Champney, their associates and successors, are hereby made a corporation by the name of "The First Unitarian Society in Woburn;" with all the powers and privileges, and subject to the duties and liabilities, contained in chapter thirty of the General Statutes of this Commonwealth.

Estate. SECTION 2. Said corporation may hold real or personal estate, exclusive of such meeting-house as they may hereafter erect or purchase, the annual income whereof shall not exceed two thousand dollars, and shall be applied to parochial purposes.

Income, application. SECTION 3. Said corporation shall have power to assess upon the pews in their meeting-house, according to a valuation thereof to be first made and recorded by the clerk of the corporation, such sums of money as may be from time to time voted to be raised, for the support of public worship, and for other parochial purposes: and all such assessments may be collected as provided by the General Statutes of the Commonwealth.

Legal voters. SECTION 4. At all meetings of the corporation, the proprietors of the meeting-house, and no other persons, shall be entitled to vote upon matters relating thereto.

Acts and doings legalized. SECTION 5. All the previous acts and doings of said society, and the records thereof, are hereby confirmed; and they are authorized and empowered to sell and convey any and all real estate which they now have and occupy.

Right to sell real estate. SECTION 6. This act shall take effect from and after its passage.

Approved June 12, 1860.

Chap. 220 AN ACT CONCERNING CONTAGIOUS DISEASES AMONG CATTLE.
Be it enacted, &c., as follows :

Duty of mayor and aldermen and selectmen. SECTION 1. The selectmen of towns and the mayor and aldermen of cities, in case of the existence in this Commonwealth of the disease called pleuro-pneumonia, or any other contagious disease among cattle, shall cause the cattle in their respective towns and cities, which are infected, or

which have been exposed to infection, to be secured or collected in some suitable place or places, within such city or town, and kept isolated; and, when taken from the possession of their owners, to be maintained, one-fifth of the expense thereof to be paid by the town or city wherein the animal is kept, and four-fifths at the expense of the Commonwealth; such isolation to continue so long as the existence of such disease, or other circumstances, renders the same necessary.

Expense of keeping apportioned.

SECTION 2. Said selectmen and mayor and aldermen, when any such animal is adjudged by a veterinary surgeon or physician, by them selected, to be infected with the disease called pleuro-pneumonia, or any other contagious disease, may, in their discretion, order such diseased animal to be forthwith killed and buried at the expense of such town or city.

Infected animals to be killed, by order, &c.

SECTION 3. Said selectmen and mayor and aldermen, shall cause all cattle which they shall so order to be killed, to be appraised by three competent and disinterested men, under oath, at the value thereof at the time of the appraisal; and the amount of the appraisal shall be paid, as provided in the first section.

Appraisal of doomed cattle.

SECTION 4. Said selectmen and mayor and aldermen, within their respective towns and cities, are hereby authorized to prohibit the departure of cattle from any enclosure, or to exclude cattle therefrom.

Departure and arrival of cattle prohibited.

SECTION 5. Said selectmen and mayor and aldermen may make regulations in writing to regulate or prohibit the passage from, to, or through their respective cities or towns, or from place to place within the same, of any neat cattle, and may arrest and detain, at the cost of the owners thereof, all cattle found passing in violation of such regulations; and may take all other necessary measures for the enforcement of such prohibition, and also, for preventing the spread of any such disease among the cattle in their respective towns and cities, and the immediate vicinity thereof.

Regulations of cities and towns and enforcement of same.

SECTION 6. The regulations made by selectmen and mayors and aldermen, in pursuance of the foregoing section, shall be recorded upon the records of their towns and cities respectively, and shall be published in such towns and cities in such manner as may be provided in such regulations.

Record and publication of regulations.

SECTION 7. Said selectmen and mayor and aldermen are authorized to cause all cattle infected with such disease, or which have been exposed thereto, to be forthwith branded upon the rump with the letter P, so as to distinguish the animal from other cattle; and no cattle so branded

Branding of infected and exposed animals, sale prohibited, except, &c.

Penalties for violation.	shall be sold or disposed of except with the knowledge and consent of such selectmen and mayor and aldermen. Any person, without such knowledge and consent, selling or disposing of an animal so branded, or selling or disposing of an animal known to be affected with such disease, or known to have been exposed thereto within one year previous to such sale, or disposal, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.
Penalties for disobeying orders of city and town authorities.	SECTION 8. Any person disobeying the orders of the selectmen or mayor and aldermen, made in conformity with the fourth section, or driving or transporting any neat cattle contrary to the regulations made, recorded and published as aforesaid, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.
Notice of suspicion of disease to be given, under penalties.	SECTION 9. Whoever knows or has reason to suspect the existence of any such disease among the cattle in his possession, or under his care, shall forthwith give notice to the selectmen of the town, or mayor and aldermen of the city where such cattle may be kept, and for failure so to do shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.
Neglect of town or city officers. Penalty.	SECTION 10. Any town or city whose officers shall neglect or refuse to carry into effect the provisions of sections one, two, three, four, five, six and seven, shall forfeit a sum not exceeding five hundred dollars for each day's neglect.
Appraisals and certificates.	SECTION 11. All appraisals made under the provisions of this act shall be in writing, and signed by the appraisers; and the same shall be certified to the governor and council, and to the treasurers of the several cities and towns wherein the cattle appraised were kept by the selectmen and mayors and aldermen respectively.
Seizure of lands for isolating cattle.	SECTION 12. The selectmen of towns and the mayor and aldermen of cities are hereby authorized, when in their judgment it shall be necessary to carry into effect the purposes of this act, to take and hold possession, for a term not exceeding one year, within their respective towns and cities, of any land, without buildings other than barns thereon, upon which it may be necessary to inclose and isolate any cattle; and they shall cause the damages sustained by the owner in consequence of such taking and holding to be appraised by the assessors of the town or city wherein the lands so taken are situated; and they shall further cause a description of such land, setting forth the boundaries thereof, and the area as nearly as may be estimated, together with said appraisal by the assessors, to be entered on the records
Damages to land owners.	

of the town or city. The amount of said appraisal shall be paid as provided in the first section, in such sums and at such times as the selectmen or mayor and aldermen respectively may order. If the owner of any land so taken shall be dissatisfied with the appraisal of said assessors, he may by action of contract recover of the town or city wherein the lands lie a fair compensation for the damages sustained by him; but no costs shall be taxed, unless the damages recovered in such action, exclusive of interest, exceed the appraisal of the assessors. And the Commonwealth shall reimburse any town or city four-fifths of any sum recovered of such town or city in any such action.

Recovery of damages.

Reimbursement.

SECTION 13. This act shall take effect from its passage.

Approved June 12, 1860.

AN ACT IN ADDITION TO AN ACT CONCERNING CONTAGIOUS DISEASES
AMONG CATTLE.

Chap. 221

Be it enacted, &c., as follows:

SECTION 1. In addition to the commissioners appointed under the provisions of chapter one hundred and ninety-two of the acts of the year one thousand eight hundred and sixty, the governor, by and with the advice and consent of the council, is hereby authorized to appoint two additional persons to constitute, with those now in office, a board of commissioners upon the subject of pleuro-pneumonia, or any other contagious disease now existing among the cattle of the Commonwealth.

Additional commissioners to be appointed.

SECTION 2. When said commissioners shall make and publish any regulations concerning the extirpation, cure, or treatment of cattle infected with, or which have been exposed to the disease of pleuro-pneumonia, or other contagious disease, such regulations shall supersede the regulations made by selectmen of towns, and mayors and aldermen of cities, upon the same subject matter, and the operation of the regulations made by such selectmen and mayors and aldermen shall be suspended during the time those made by the commissioners, as aforesaid, shall be in force. And said selectmen, and mayors and aldermen, shall carry out and enforce all orders and directions of said commissioners, to them directed, as they shall from time to time issue.

Regulations of commissioners to supersede, &c.

City and town authorities to enforce the same.

SECTION 3. In addition to the power and authority conferred on the selectmen of towns, and mayors and aldermen of cities, by the act to which this is in addition, and which are herein conferred upon said commissioners, the same commissioners shall have power to provide for the establishment of a hospital or quarantine in some suitable place or

Hospital or quarantine may be established.

places, with proper accommodations of buildings, land, *et cetera*, wherein may be detained any cattle by them selected, so that said cattle so infected or exposed, may be there treated by such scientific practitioners of the healing art as may be appointed to treat the same. And for this purpose said commissioners may take any lands and buildings in the manner provided in the twelfth section of the act to which this is in addition.

SECTION 4. The governor, by and with the advice and consent of the council, is hereby authorized to appoint three competent persons to be a board of examiners, to examine into the disease called pleuro-pneumonia, who shall attend at the hospital or quarantine established by the commissioners mentioned in the foregoing section, and there treat and experiment upon such number of cattle, both sound and infected, as will enable them to study the symptoms and laws of the disease, and ascertain, so far as they can, the best mode of treating cattle in view of the prevention and cure of the disease, and who shall keep a full record of their proceedings, and make a report thereon to the governor and council, when their investigations shall have been concluded: *provided*, that the expense of said board of examiners shall not exceed ten thousand dollars.

SECTION 5. The selectmen of the several towns, and mayors and aldermen of the several cities, shall, within twenty-four hours after they shall have notice that any cattle in their respective towns and cities are infected with, or have been exposed to any such disease, give notice in writing to said commissioners, of the same.

SECTION 6. The commissioners are authorized to make all necessary regulations for the treatment, cure and extirpation of said disease, and may direct the selectmen of towns, and mayors and aldermen of cities, to enforce and carry into effect all such regulations as may, from time to time, be made for that end; and any such officer refusing or neglecting to enforce and carry out any regulation of the commissioners, shall be punished by fine not exceeding five hundred dollars for every such offence.

SECTION 7. The commissioners may, when in their judgment the public good shall require it, cause to be killed and buried, any cattle which are infected with, or which have been exposed to said disease; and said commissioners shall cause said cattle to be appraised in the same manner provided in the act to which this is in addition; and the appraised value of such cattle shall be paid, one-fifth by the

Lands or building for the same.

Board of examiners.

Powers and duties.

Proviso.

City and town authorities to notify commissioners of cases of disease.

Regulations for treatment, cure, &c. Enforcement. Penalty.

Infected or exposed cattle may be killed, by order, &c.

Appraisement.

Reimbursement.

towns in which said cattle were kept, and the remainder by the Commonwealth.

SECTION 8. Whoever shall drive or transport any cattle from any portion of the Commonwealth east of Connecticut River to any part west of said river, before the first day of April next, without consent of the commissioners, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

Moving of cattle within certain limits, restricted.

Penalties for violation.

SECTION 9. Whoever shall drive or transport any cattle from any portion of the Commonwealth into any other State before the first day of April next, without the consent of the commissioners, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

Moving of cattle into other states without permission, prohibited. Penalties.

SECTION 10. If any person fails to comply with any regulation made, or with any order given by the commissioners, he shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Disobedience of any order or regulation. Penalty.

SECTION 11. Prosecutions under the two preceding sections may be prosecuted in any county in this Commonwealth.

Prosecutions.

SECTION 12. All appraisals made under this act shall be in writing, and signed by the appraisers and certified by the commissioners, and shall be by them transmitted to the governor and council, and to the treasurers of the several cities and towns wherein the cattle appraised were kept.

Appraisals under this act, how certified, &c.

SECTION 13. The provisions of chapter one hundred and ninety-two of the acts of the year one thousand eight hundred and sixty, except so far as they authorize the appointment of commissioners, are hereby repealed; but this repeal shall not affect the validity of any proceedings heretofore lawfully had under the provisions of said chapter.

Provisional repeal.

SECTION 14. The commissioners and examiners shall keep a full record of their doings, and make report of the same to the next legislature, on or before the tenth day of January next, unless sooner required by the governor; and the said record, or an abstract of the same, shall be printed in the annual volume of Transactions of the State Board of Agriculture.

Record and report of doings by commissioners.

Abstract of same.

SECTION 15. The governor, with the advice and consent of the council, shall have power to terminate the commission and board of examiners, whenever in his judgment the public safety may permit.

Governor and council to terminate commission, when, &c.

SECTION 16. This act shall take effect from its passage.

Approved June 12, 1860.

Chap. 222 AN ACT MAKING APPROPRIATION FOR THE EXECUTION OF THE LAWS RELATING TO CONTAGIOUS DISEASES AMONG CATTLE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Special appropri-
ations.

SECTION 1. The sums hereinafter mentioned, are appropriated and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrant of the governor, for the purposes specified, to meet the expenses for mileage and compensation of the members of the senate and house of representatives at the present extra session thereof, and for other purposes.

Mileage—
Senators ;
Representatives.

For the mileage of senators, a sum not exceeding four hundred dollars. For the mileage of representatives, a sum not exceeding two thousand four hundred dollars.

Compensation—
Senators ;
Representatives.

For the compensation of senators, a sum not exceeding two thousand and fifty dollars. For the compensation of representatives, a sum not exceeding twelve thousand and fifty dollars.

Clerks of the two
houses.

For the compensation of the clerks of the senate and house of representatives, a sum not exceeding five hundred and eighty dollars.

Chaplains.

For the compensation of the chaplains of the senate and house of representatives, a sum not exceeding one hundred dollars.

Door-keepers,
messengers and
pages.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding seven hundred and fifty dollars.

Watchmen.

For the compensation of watchmen employed in the state house, in addition to their salaries, a sum not exceeding one hundred dollars.

Abstract from
council records.

For services of person employed in preparing abstract and statement from the Register of the Council, for the year eighteen hundred and fifty-nine, under house order of February twenty-third, eighteen hundred and sixty, forty dollars.

Reporters and
witnesses.

For compensation of reporters and witnesses employed by and summoned before committees having authority the present extra session, a sum not exceeding three hundred and fifty dollars.

David Pulsifer.

For services rendered by David Pulsifer, during the special session of eighteen hundred and fifty-nine, under direction of the president of the senate and speaker of the house, a sum not exceeding fifty dollars.

Cattle disease.

For carrying into effect the provisions of the laws concerning the contagious diseases among cattle, a sum not exceeding one hundred thousand dollars.

For sheriffs' accounts of eighteen hundred and fifty-nine, fifty dollars. Sheriffs' accounts 1859.

For repairs on Warren Bridge, thirty-nine dollars; incidental expenses of the same, twenty-one dollars twenty-six cents. Warren bridge.

For registration blanks of eighteen hundred and fifty-nine, fifty dollars twenty cents. Registration blanks.

For binding public documents of eighteen hundred and fifty-nine, ten hundred and sixty-five dollars seventy-five cents. Binding public documents.

For printing general laws of eighteen hundred and fifty-nine, four thousand eight hundred and seventy-five dollars. Printing general laws.

For burying paupers during the years eighteen hundred and fifty-seven and fifty-eight, sixty dollars. Burying paupers.

For incidental expenses of insurance commissioners, for eighteen hundred and fifty-five, the sum of eleven dollars and twelve cents. Insurance commissioners' expenses.

For whitening in the state house, under resolve of present session, a sum not exceeding one thousand dollars. Whitening state house.

For repairs upon the state house, under resolve of the present session, a sum not exceeding five hundred dollars. Repairs state house.

For furnishing and fitting up the new rooms in the southwest basement of the state house, as authorized by resolve chapter thirty-two of the session of the present year, a sum not exceeding two hundred dollars. New rooms in basement.

For the publication of the general laws of the present session, in accordance with the provisions of chapter twenty-four of the resolves of the year eighteen hundred and fifty-seven, a sum not exceeding twenty dollars, and said sum shall be allowed and paid accordingly. General laws, extra session.

SECTION 2. Each member of the senate and house of representatives shall receive mileage at the rate of one dollar for every five miles travel, once during the session, from his place of abode to the place of the sitting of the general court. Mileage of members of legislature.

SECTION 3. Any appropriation made in this act for any object for which any former appropriation has been made, shall be in addition to such former appropriation. Of additional appropriations.

SECTION 4. This act shall take effect from its passage.

Approved June 12, 1860.

RESOLVES,
SECOND SESSION,
1860.

Chap. 85.

RESOLVE IN RELATION TO REPAIRS OF THE STATE HOUSE.

Repairs authorized.

Resolved, That the committee on the state house are hereby authorized to make such repairs upon the wood-work of the state house, as may be found necessary before painting, to preserve the same.

Approved June 7, 1860.

Chap. 86.

RESOLVE IN ADDITION TO A RESOLVE RELATING TO THE DISTRIBUTION OF THE GENERAL STATUTES.

Secretary to receive 178 copies for distribution, additional.

Resolved, That the secretary of the Commonwealth cause to be printed and bound, and receive for distribution agreeably to the provisions of the one hundred and forty-third chapter of the resolves of eighteen hundred and fifty-nine, one hundred and seventy-eight copies of the General Statutes of the Commonwealth, the same to be in addition to the one thousand copies authorized by said resolve. And so much of said resolve as authorizes the distribution of one copy to each city or town library in the state, is hereby repealed.

Approved June 11, 1860.

Chap. 87.

RESOLVE CONCERNING THE DISEASE CALLED PLEURO-PNEUMONIA.

Members of congress requested to urge and procure quarantine laws, &c.

Resolved, That our senators and representatives in congress be requested to use their influence to procure the passage of such quarantine laws as shall prevent the importation into this country, of animals affected with any contagious or infectious disease, and of laws to extirpate the disease called pleuro-pneumonia now existing in this country.

Approved June 11, 1860.

Chap. 88.

RESOLVE IN FAVOR OF ELBRIDGE G. COLBY.

Compensation for legislative service.

Resolved, That there be allowed and paid to Elbridge G. Colby, the sum of thirty-nine dollars for services as a mem-

ber of the legislature from the First Essex District, the same having been omitted in the pay-roll. *Approved June 11, 1860.*

RESOLVE CONCERNING THE ACCOUNTS OF THE ADJUTANT-GENERAL.

Chap. 89.

Resolved, That the sum of two thousand four hundred sixteen dollars and thirty-four cents, being the balance of the amount paid into the treasury of the Commonwealth, in the nature of a special deposit, as the proceeds of sales of arms and equipments, be, and the same is hereby specially appropriated for the purpose of replacing arms and equipments for the militia, from time to time, and that the governor is hereby authorized to draw his warrant accordingly.

Proceeds sales of arms and equipments appropriated for replacing arms, &c., for militia.

Approved June 12, 1860.

RESOLVE CONCERNING THE WHITENING OF THE STATE HOUSE.

Chap. 90.

Resolved, That the committee on the state house, be authorized to do such whitening and coloring in the state house, as they may deem necessary. *Approved June 12, 1860.*

Committee on state house, authorized, &c.

RESOLVE AUTHORIZING THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Chap. 91.

Resolved, The county commissioners of any county in the Commonwealth, may borrow, on the faith of the county, in anticipation of the revenue of next year, any sum needed, not exceeding twenty thousand dollars, for the purpose of paying the criminal costs of said county.

Loans to counties authorized to defray criminal costs.

Approved June 12, 1860.

RESOLVE FOR SUPPLYING THE STATE ALMSHOUSE AT TEWKSBURY WITH WATER.

Chap. 92.

Resolved, That the inspectors of the State almshouse at Tewksbury, be, and they hereby are, authorized to expend, from the appropriation for current expenses in chapter fifty-two of the acts of the year one thousand eight hundred and sixty, a sum not exceeding fourteen hundred and fifty dollars, for the purpose of supplying said institution with water.

Authority and appropriation granted to inspectors.

Approved June 12, 1860.

RESOLVE IN ADDITION TO A RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY.

Chap. 93.

Resolved, That the treasurer be, and he hereby is authorized to require of the several banks of this Commonwealth, a loan of such sum or sums of money, as may from time to time, be necessary for the payment of the ordinary demands upon the treasury, within the current year; said loan to be in addition to the loan authorized at the regular session the present year: *provided,* that the whole amount of the

Additional loans authorized from banks.

Proviso.

temporary loan, authorized by this resolve, shall not at any time exceed one hundred and fifty thousand dollars.

Approved June 12, 1860.

Chap. 94. RESOLVE FIXING THE COMPENSATION OF THE MEMBERS AND OFFICERS OF THE LEGISLATURE AT THE PRESENT SESSION.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth, to each member of the legislature, who has been in attendance during the present session, the sum of fifty dollars: the president of the senate and speaker of the house of representatives shall receive double the compensation above provided for senators and representatives. There shall be allowed and paid to the clerks and chaplains of the senate and house of representatives a *pro rata* sum as is now allowed them at the regular session, computing the same at one hundred days; to each door-keeper and messenger, three dollars per day; to each page, two dollars per day, and to each watchman, one dollar per day in addition to his salary, for every day they are employed during the session, and for every day before and after the session, that they may be or have been actually employed by the sergeant-at-arms in duties connected with the present session, as certified by him: *provided*, that there shall be deducted from the compensation of each member three dollars for each day's absence during the session.

Approved June 12, 1860.

Chap. 95. RESOLVES RELATING TO FREEDOM OF SPEECH.

Resolved, That the legislature of Massachusetts, in the name of her free and enlightened people, demands for her representatives in the national legislature entire freedom of speech, and will uphold them in the proper exercise of that essential right of American citizens.

Resolved, That the thanks of the people of this Commonwealth are due, and are hereby tendered to the honorable Charles Sumner, for his recent manly and earnest assertion of the right of free discussion on the floor of the United States Senate, and we repeat the well considered words of our predecessors in these seats in approval of "Mr. Sumner's manliness and courage in his fearless declaration of free principles, and his defence of human rights and free institutions."

Resolved, That we approve the thorough, truthful, and comprehensive examination of the institution of slavery embraced in Mr. Sumner's recent speech; that the stern morality of that speech, its logic and its power, command

our entire admiration; and that it expresses with fidelity the sentiments of Massachusetts upon the question therein discussed.

Resolved, That the thanks of this legislature, acting as the agents of the people, be, and are hereby tendered to the honorable Henry Wilson, for his able, fearless, and always prompt defence of the great principles of human freedom, while acting as a senator and as a citizen of the Old Bay State.

Thanks to Hon.
Henry Wilson.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolves to the president of the senate, and speaker of the house of representatives, and to each of the senators and members of the house of representatives from this Commonwealth in the congress of the United States.

Copies to be
transmitted by
governor.

Approved June 12, 1860.

A D D R E S S

OF

HIS EXCELLENCY THE GOVERNOR.

At one-half past twelve o'clock His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, and the members of the Executive Council, attended by a Joint Committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following Address.

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES:

The attention of the legislature was directed, during its late session, to the ravages inflicted upon the cattle of some parts of the Commonwealth, by a distemper, closely resembling in its appearance and effect, the disease called *Pleuro-Pneumonia*. A statute approved on the last day of the session provided for the appointment of three commissioners, who were required according to the provisions of the Act, to provide for the extirpation of this disease. They were authorized and required to visit without delay the several places in the Commonwealth where the disease was known or suspected to exist, and were empowered to cause all cattle which had been diseased, or had belonged to diseased herds, to be forthwith killed and buried, and the premises where they were kept, cleansed and purified; to appraise in their discretion, the value of the cattle killed which were apparently well, and certify to the Governor and Council the allowances made to the owners of the cattle respectively, and to give such lawful orders and directions as in their judgment, the public necessity might require. It was provided that the statute should continue in force for the term of one year.

Immediately upon the adjournment of the legislature, commissions were issued under the provisions of the Act, to

Richard S. Fay, Esq., of Lynn, Paoli Lathrop, Esq., of Hadley, and Hon. Amasa Walker, of North Brookfield. These gentlemen entered at once upon the performance of their duties. After some progress had been made, Mr. Fay, from the pressure of private engagements, withdrew from the commission, and the vacancy was supplied by the appointment of George B. Loring, Esq., of Salem, Mr. Lathrop, of South Hadley, acting as chairman. The Commissioners have been assisted in their labors by Dr. Thayer, Dr. Dadd, Dr. Bates, and other gentlemen of established reputation as veterinary surgeons.

A detailed report of the operation of the Commissioners under the statute, is herewith communicated to the legislature. It appears that all suspected herds have been examined, and many cattle have been isolated by order of the Commissioners. Eight hundred and forty-two have been slaughtered, for which compensation has been allowed by the Commissioners to the amount of \$20,432.83. No report, however, of allowances made to the owners of cattle, has been received, and no money has been drawn under the statute, from the treasury. The appropriation of \$10,000 made by the legislature, was very soon exhausted. The labors of the Commissioners would have been at once brought to a close, but the distemper continuing to spread, and the public mind becoming more excited in the districts where its ravages were chiefly confined, and where it seriously affected and seemed to threaten the destruction of the principal occupation and support of the people, many generous and public spirited citizens, representing different business interests, voluntarily subscribed to a fund which was intended to enable the Commissioners to continue their work, notwithstanding the failure of the appropriation, and to guaranty all parties concerned against loss, in case the legislature should fail to recognize and provide for the unauthorized expenditure of money.

Subscriptions to the amount of nearly \$20,000 were at once made, and the Commissioners, under the protection of this guaranty, made some further progress. But the disease had spread over a larger territory than was at first supposed. More definite instructions from the legislature as to the course to be pursued were desired. It was believed that more stringent regulations than those allowed by the Act of April 4, 1860, were required, and that additional appropriations from the treasury might be indispensable.

On the 18th of May, the Commissioners made a formal request that an extra session of the legislature should be

called. This request was supported by a petition of a committee of the State Board of Agriculture, by several members of the Board, and by many influential and honorable citizens of different parts of the Commonwealth. On the 24th day of May, the proclamation was issued, by and with the advice and consent of the Council, for a session of the legislature for the consideration of this special subject. Copies of these papers are herewith transmitted.

Two considerations alone have impelled me, with very great reluctance, to summon the members of the two houses from their homes at this season of the year. The first has reference to the magnitude of the interest involved. It is not a disaster affecting Massachusetts or New England alone. If the contagion is allowed to spread without effort to extirpate or restrain it, ultimately it must ravage the whole country. The neat cattle in the United States, in 1850, numbered eighteen million three hundred and seventy-eight thousand. Estimating the number at the present time, upon this basis, by adding twenty per cent. to the number, as the natural increase in ten years, it will now exceed twenty-two million.

The number of milch cows returned to the census bureau for 1850 was over six million, and the number of working oxen was nearly a million and three-quarters. The value of butter, cheese, and milk not used for butter or cheese, returned in 1850 as a portion of the agricultural product, according to the estimate of Professor Tucker, exceeded eighty million dollars. To this must be added an equal sum, as the value of cattle slaughtered for the market, and the value of the labor of nearly a million yoke of working oxen at the present time,—estimating their labor for a year at twenty dollars per yoke,—and the aggregate value of this yearly product exceeds one hundred and eighty million dollars. There is but one agricultural product of equal importance—that of Indian corn.

To the aggregate thus stated must be added the value of the cattle themselves, which, estimated at twenty dollars per head, amounts to nearly three hundred and seventy million dollars. Thus, upon the basis of the census of 1850, this interest involved a value of product and property equal to five hundred and forty million dollars. The average increase in ten years, may be safely estimated at twenty per centum, and this would make the same values equal, for the present year, to six hundred and forty million dollars. But these figures very imperfectly represent the interest of the American people in this gigantic industrial product. How far

it enters into the employment of the great majority of persons,—how many millions are dependent upon it for the luxuries and necessities of life,—to what extent it contributes, indirectly, to public health and enjoyment, and how large a part it forms of the sound and reliable business of the country, are considerations which naturally occur to the mind of every intelligent person.

If we could confine the ravages of the fatal distemper so unfortunately deposited upon our shores, to our own State, it would still be of sufficient importance to demand the earnest attention of the people. But, unless extirpated on the instant when it appears, it cannot be so confined. If it spread over our own territory, it must ravage other States, and it becomes a duty of the highest character, one which we owe alike to ourselves, to the honor of Massachusetts, and to the people of the whole country, to make every available and possible effort to restrain its ravages, if extirpation is impossible. Admitting, if need be, that it is doubtful whether it partakes more of the character of a contagion or an epidemic,—admitting that it may not be in our power to prevent its spreading through the country,—nevertheless, every citizen of Massachusetts should have it in his power to say, that every proper effort had been made by the State, to produce that result. I am constrained to express the opinion, that all has not yet been done which may be wisely if not successfully performed, and this fact I offer to you as a chief reason for this extraordinary convocation.

A second consideration of nearly equal weight relates to the Act of the last session, and the proceedings of the Commissioners under that Act. The design of the Act was manifestly to provide for the extirpation of the disease. It had little reference to treatment, or the possibility of cure, but considered extirpation as the proper remedy. It therefore authorized the Commissioners to visit the several places in the Commonwealth where the disease might be known or suspected to exist, and to cause all cattle belonging to herds in which the disease had appeared, or might appear, or which had belonged to herds in which the disease had been known to exist, to be forthwith killed and buried, and the premises cleaned and purified.

The method and principle of appraisement of cattle are established in the Act, and an appropriation of ten thousand dollars was made to meet necessary expenditures.

Had this course been adopted at the commencement of the year it probably would have been successful. But in April the distemper had spread too far. The Commissioners

speedily exhausted the appropriation, and traces of the disorder were distinctly visible in the neighborhood in which they commenced operations. A guaranty fund was immediately established by citizens of public spirit who knew the character of the distemper, and the necessity of instant action, to assure the owners of cattle compensation for their destruction according to the terms of the Act, which it was expected the legislature would re-imburse. Of this fund about ten thousand dollars were pledged, but the disease was not yet circumscribed. It was manifest that under a full appreciation of the extent of the calamity the guaranty fund would be increased to any amount necessary to effect the desired object.

But it became a serious question whether in the event of large payments being made under an apparent authority of law to be ultimately re-imbursed by the State, the legislature should not exercise its prerogative power and determine in the first instance under what circumstances and to what extent money should be expended, and make provision both for its appropriation and disbursement. There are no more dangerous precedents than those which are established under color of law or of public necessity, with the expectation of justification and immunity by subsequent legislation. The Commissioners were not authorized to proceed beyond the limits fixed by the statute, and their powers were in no wise enlarged by the guaranty of influential citizens. It is true that the legislature would not be bound to legalize such proceeding, nor to meet by appropriation the sum guaranteed, but such refusal, if it were practicable, would be measurably unjust and necessarily cause public discontent. The legislature, therefore, must in the end have borne the burdens, and assumed all responsibilities, leaving to individuals the power to determine the extent and to direct the execution of all remedial measures. If the object could have been attained by a limited subscription, but light objections could be urged against it. That did not appear to be the fact, and in order to assure to the representatives of the people the power which legitimately belongs to them, it was indispensable that I should summon them together.

I adopted this course as a measure of public economy. The statute of April 4th provides, exclusively, for extirpating the disease by slaughter. It is now apparent, in my own judgment, that the end desired cannot with any considerable degree of certainty be attained in this manner, and the course to be adopted should be one which admits of the

instant slaughter, or the perfect isolation of suspected or diseased cattle. The statute determines that the appraisal of a part of the cattle, whose destruction might be ordered, should be at what would have been their fair market value if the disease had not existed. It is apparent that a different procedure, and a more equitable principle of appraisal, will greatly diminish the drafts upon the treasury.

In submitting to the legislature, inquiry as to the course of conduct to be adopted, it may be proper to present a few suggestions relating to the historical character of this distemper, and its diagnosis where it is found in the cattle of this Commonwealth.

The exact origin of the disease does not appear to be very clearly determined. It is supposed to have been limited for a long period of time to the mountainous parts of Europe, especially near the Jura, from whence it has been carried to Holland, to France, England, Africa, Australia and other countries. A disease of a similar character was prevalent in England more than a century since.

It appeared in France about the year 1840, and in England, Scotland and Ireland, the subsequent year. Its ravages, however, have been most extensive in Holland, from whence it has been carried into Germany and Southern Africa.

The ravages of the disease in these countries have been fearful. The course of treatment adopted seems to have embraced the triple policy of slaughter, isolation and inoculation, according to the condition of the animals infected or exposed. The loss of cattle by slaughter and by death in all these countries has been alarming, and the burdens upon the treasuries consequent upon the plan of compensation very great.

In 1847, it was brought from England into New Jersey, but its contagious character being at once discovered, it was absolutely and immediately extirpated. A like result was obtained in Australia, where the disease had been introduced by cattle imported from the same country.

One year ago, the 23d of May, 1859, it was brought into this State with an importation of Dutch cattle from Holland, and the distemper at present existing can be traced to no other cause than to this importation. The symptoms of the disease, in its manifestations in this State, do not essentially differ from the description given by English medical authors of the disease called Pleuro-Pneumonia as it exists in England. It is not necessary for me to give a detailed statement of its symptomatic manifestations here. I have the

honor to transmit to the legislature a very full statement upon this subject made by two of the medical examiners who attended the Commissioners.

The inquiry now recurs, what additional measures can be taken for the suppression of the distemper, and fulfilling the duty we owe to other States?

In the first instance, I think the legislature should regulate or prohibit, so far as it can be wisely and properly done, the exportation of cattle in which the seeds of the disease may possibly exist, from this State into other neighboring States.

This would seem to be a measure which the natural comity existing between friendly States would absolutely demand. Such a measure would for a brief period—not necessarily a long one—interfere with the freedom of trade, but it is such an interference as the continued existence of the trade in cattle itself requires. A line may easily be established, beyond which no cattle shall be passed without sufficient official assurances that they do not carry contagion with them.

It would seem to be necessary, in addition to the powers conferred upon the Commissioners by existing legislation, that there should be a distinct recognition of the policy of isolating and separating from contact with other cattle, suspected or diseased herds, and it may also be expedient to limit the discretionary power of slaughtering condemned animals, and also to modify the principle of appraisal hitherto established.

It will also be necessary to provide for the re-imbursement or the relief of the subscribers to the guaranty fund, to which reference has been made, and also to inquire what further appropriation the present public emergency requires. It would not seem, if a policy like that heretofore suggested should be adopted, that extravagant appropriations would be required to carry out the objects specified in the Report of the Commissioners. It will be necessary, for a brief period at least, to enlarge the powers of towns, so that they may protect themselves from invasion by infected cattle, and to control the course of the disease when it is discovered within their limits. The pressing public necessity that now compels towns to act upon this subject for their own protection may lead them, in some instances, to go beyond their legal powers, and occasion private or public difficulties. This should be avoided. There is now no statute law in this Commonwealth authorizing towns or town officers to restrict or limit the common right of all the inhabitants to pass freely

from town to town and through any town with their cattle in greater or smaller number, for purposes of trade, business, or pleasure, over the public highways.

Cattle found at large in any public highway without a keeper, are liable to be impounded.

The power of towns and cities to make by-laws extends only to the directing and managing their prudential affairs, preserving the peace and good order, and maintaining their internal police. [Revised Statutes chapter 15, section 13. Statutes 1847, chapter 262.]

A by-law regulating the mode of securing cattle while passing through the town, as for instance, that they should be led or driven, tied together, and only in the traveled part of the way, so that they could not come in contact with other cattle, either in the road or in enclosure by the side of the road, might be held to be a reasonable order or by-law for the preservation of the peace, good order, and internal police of the town. But such by-laws would have little efficacy, as they would or might differ in every town or city, having no effect beyond the limits of the towns enacting them, and must be approved by the courts, to give them any validity.

There is no statute law of this Commonwealth making it a criminal offence to sell a sick or diseased animal. Of course there may be such fraudulent representations as to bring such a transaction within the enactment against obtaining money by false pretences, or there may be in many cases a civil remedy. Such a sale is not understood to be within the meaning of the Revised Statutes, chapter 131, section 1—sale of diseased, unwholesome, or corrupted provisions. This defect in the law, occasions serious difficulties, and great danger. It enables evil disposed persons to spread the contagion, for their own profit without responsibility to the public for the wrong done.

If in addition to the powers that may be given to towns, other and larger geographical districts are required, existing county lines offer convenient and well defined districts which may be made instantly available, through their territorial relations and recognized officers.

I should also recommend that some measures should be taken, to obtain, on a limited scale, a thorough scientific investigation of the character of this disease—whether it is a contagion, communicable by contact, or epidemic in its nature, transmissible by atmospheric influences alone; how far infected animals may be cured, and what protection can be afforded to exposed cattle by the process

of inoculation, so successful in other countries. These experiments could be tried without great expense, and great public good derived therefrom.

The transit of cattle through the several towns may require more careful regulation than is now provided by law.

It will be for the legislature to determine whether the Board of Commissioners should be enlarged by additions to its numbers, or strengthened by authority to employ assistants, and to act in connection with officers of towns and the commissioners of counties. General regulations of the character I have suggested, will, I am persuaded, prove beneficial to the public interest, if they do not suppress entirely the course of the distemper, without adding in any very great degree to the burdens of the treasury. If the State shall assume any part of the expenses of towns in the execution of the powers conferred upon or the duties required of them, a provision that each town shall provide for a portion thereof will not only restrain the towns from unnecessary expenditures, but reconcile those portions of the Commonwealth not immediately infected with the disease, to the increased public burdens to which they will be subjected; and in such portions of the State much scepticism as to the existence of the disease and the necessity of the measures adopted, will be found to exist.

No greater calamity will have fallen upon the industry of the Commonwealth than the present, if its course cannot be checked. But every public calamity has, in some form, and to an extent which we unwillingly recognize, its compensations. It is impossible to avoid or to mitigate the individual distress or the public inconvenience that it occasions. But it may lead to such changes in the traditions of agricultural industry as will in the end greatly benefit the country. In our own case, it forces upon the attention other methods of culture than those upon which we have exclusively relied.

It is not possible now to say how soon the farms that have been desolated by slaughter or by disease, can be restocked with neat cattle. It may be necessary that we should return to some customs long since nearly abandoned.

It is a singular fact, exhibited by the census of 1850, that the number of neat cattle in the United States was nearly equal to the number of sheep. In our own State, until recently, sheep culture, one of the most profitable modes of agricultural investment for a country like our own, has very greatly diminished. It is probable that there are half

as many dogs as sheep in the Commonwealth. If in consequence of the present disastrous contagion such changes shall occur as the careful consideration of the true and solid agricultural interests of the Commonwealth may suggest, like all the occurrences in human life that are directed by the hand of a wise and merciful Providence, it may not be found to be altogether unmixed with private and public good.

I shall very cheerfully concur with the legislature in all proper measures for the relief and protection of the public interests involved, and I commend with great earnestness this special subject to the thoughtful, earnest and patriotic consideration of the legislature.

REQUEST FOR SESSION OF LEGISLATURE.

NORTH BROOKFIELD, May 17, 1860.

To His Excellency N. P. BANKS, *Governor of the Commonwealth
of Massachusetts :*

The undersigned, Commissioners appointed to extirpate the disease called Pleuro-Pneumonia, now existing in the Commonwealth, and members of a Committee of the State Board of Agriculture, chosen to confer with said Commissioners, having satisfied themselves that the disease has extended over a broader territory than was at first anticipated, and that additional powers and larger appropriations are required in order to accomplish the object for which the Commissioners were appointed, would respectfully request that an extra session of the legislature be called for the purpose of considering what further action may be taken in this trying emergency.

And they would respectfully represent, that with the aid of prompt and immediate legislative action such as the importance of the subject demands, the object for which the Commissioners were appointed can be speedily accomplished, and a local misfortune can be prevented from becoming a wide-spread national calamity.

PAOLI LATHROP,
AMASA WALKER,
GEORGE B. LORING,
Commissioners.

WILLIAM S. CLARK,
JOHN BROOKS,
CHA'S C. SEWALL,

Committee of the State Board of Agriculture.

STATEMENT OF COMMISSIONERS.

BOSTON, May 29, 1860.

To His Excellency N. P. BANKS, *Governor of the Commonwealth of Massachusetts :*

The Commissioners appointed under an Act of the legislature, chapter 192, of the year one thousand eight hundred and sixty, entitled "An Act to provide for the extirpation of the disease called Pleuro-Pneumonia among Cattle," would respectfully report, that—

Upon receiving their commission, they entered at once upon their duty. They ascertained that the facts which had been laid before the legislature, and had led to the passage of the Act, were unquestionably still in existence; and that in Belmont and North Brookfield the disease, which has made such ravages among the cattle in Europe, had become fixed, and that it had assumed an alarming appearance.

It was early in the summer of 1859 that the disease was brought into this State, with some Dutch cattle, imported by Winthrop W. Chenery, Esq., of Belmont, who seems to have been for many months unaware of its nature, and who attributed it to local causes.

On the 29th of June, 1859, three calves were sent from Mr. Chenery's herd to the farm of Curtis Stoddard, in North Brookfield. On the way from the depot in North Brookfield, to Mr. Stoddard's farm, one animal appeared to falter, and gave evidence of physical disability. He remained but a short time at Curtis Stoddard's, when he went to Leonard Stoddard's to be treated for disease; was there a few days; returned to Curtis Stoddard's, and on the 23d of August died. While he was at Leonard Stoddard's, he came in contact with several cattle, being a portion of the time in the stable with them. In about three weeks after his arrival there, two oxen and a cow were seized with the disease, and died in ten days.

From Leonard Stoddard's herd the disease was carried, by sale of animals and otherwise, into the herds of A. Ohnstead, of New Braintree, A. A. Needham, of New Braintree, C. P. Huntington, of North Brookfield,—in all of which it assumed at once a virulent and fatal form,—and into many of other herds in the neighborhood, where it has raged with less violence, but with equal steadiness. In these specified herds, the number of deaths during the autumn and winter, and to the present time, has been about forty. The loss in Mr. Chenery's herd since last June, has been about thirty.

This appeared to be the limit of the disease on the eleventh of April, when the Commissioners entered upon their duty. They availed

themselves of the best veterinary talent and experience in the State, and commenced their investigations. In the herds mentioned above, the disease was found in every variety of form,—the chronic case with solidified lungs, abscesses, and cysts, and the recent case, with its dark and livid hepatization. It had been developing itself for many months, and had had time to make sad inroads.

It was soon found, however, that the disease had extended far beyond these limits. It had begun to appear in herds more recently exposed; and it was discovered lurking in farms adjoining Mr. Stoddard's, where cattle had come in contact with his during the late fall-feeding of last autumn. In these herds there had been no deaths, but the miserable animals indicated the existence of the disease in their systems, and examinations after slaughtering showed that ere long the mortality must have been very great. Beyond the spot where the disease was first planted, in June, 1859, and where it has committed its greatest ravages, it is now found radiating in every direction, covering a very considerable extent of territory, and only requiring at its extremest boundary and in cases of recent exposure, an equal amount of time to develop the alarming fatality already witnessed at Belmont, and in and around Leonard Stoddard's farm at North Brookfield.

The Commissioners have not failed to find the disease wherever there has been exposure; and they are satisfied that it has never appeared except as the result of exposure. It was introduced into Leonard Stoddard's herd by the calf from Belmont; into Mr. Olmstead's, by oxen bought of Leonard Stoddard; into Mr. Needham's, by keeping Stoddard's oxen in his barn; into Mr. Huntington's, by the purchase of a cow of Leonard Stoddard; into Mr. Woods', by feeding diseased animals in his barn; into a team of twenty-three yoke of oxen, by the pair sold by Stoddard to Olmstead, and by the latter to Doane; into the herd of George Harwood, by working his oxen with Doane's; into J. C. Ayer's, by a heifer purchased of Harwood; into Silas H. Bigelow's, by working his oxen with Doane's, and by contact with Huntington's; into Benjamin Dean's, by frequent contiguity with Bigelow's; into John and Lewis Hill's, by contact with Stoddard's cattle in the field last autumn. A cow, bought at Stoddard's auction in November, carried the disease into Mr. Richards' stable in West Brookfield, and thence into the large and valuable herd of Mr. Cutler, of the same town. From Mr. Cutler's it was carried, by contact with a bull, into the adjoining herd of Mr. Gilbert. A yoke of oxen, previously exposed to Stoddard's, entered the herd of Mr. Gleason, of West Brookfield, about the middle of January, remained there until the last of March, poisoned the entire herd of Mr. Gleason, and were killed May 14th in the possession of Mr. Makepeace, and were found extensively diseased,—both lungs being hypertrophied, twice the natural size, impervious to air throughout a large portion of their extent, and adhered in many places. It seems unnecessary to enumerate more cases of the many exposures since the disease first appeared, hundreds of which the

Commissioners have in their possession, and occurring from the first introduction of the disease until the present time.

The disease has been found to exist in North Brookfield, Brookfield, West Brookfield, Spencer, Sturbridge, New Braintree, and Oakham, to a considerable extent. Cases have been found in Pelham, carried there from Brookfield, and have been destroyed, it is believed, before having exposed more than half a dozen animals, now in limits. A cow sent from an infected herd to Ware, was found diseased and was killed, with four or five others, her only associates there—ending the disease, without doubt, in that quarter. A cow has been killed in Hubbardston, that had taken the disease from contact during the winter with oxen from North Brookfield, found to be infected; and ten animals which she has exposed have been placed within limits. Suspicions have arisen with regard to Warren, Hardwick, and Barre, but no satisfactory evidence is given that the disease exists in those towns. A case has been found in Pepperell, sent from West Brookfield; and another in Malden, sent from Mr. Chenery's herd. In the latter of these cases, the exposure of other animals seems not to have been extensive; in the former, however, the Commissioners regret to say that the exposure has been greater.

The following is the account of the Commissioners to May 18th, 1860:

Animals killed, diseased,	185
Animals exposed, pronounced sound, and killed,	
Cows,	189
Heifers, 3 years old,	61
Heifers, 2 years old,	41
Oxen,	85
Steers, 3 years old,	54
Steers, 2 years old,	24
Yearlings,	54
Calves,	107
Bulls,	9
Animals not described,	33
Total,	842

The appraised value of all these animals, sound and diseased, is \$20,432.83.

It is estimated that the number of animals diseased, exposed and suspected, is as follows:

North Brookfield,	350
South Brookfield,	220
West Brookfield,	60
Oakham,	50
New Braintree,	255
Sturbridge,	50

Spencer,	.	.	.	.	.	.	.	.	.	50
Hubbardston,	.	.	.	.	.	.	.	.	.	10
Pelham,	.	.	.	.	.	.	.	.	.	10
Total,	.	.	.	.	.	.	.	.	.	1,055

These animals, the Commissioners have endeavored in every possible manner to isolate. In many cases single animals are kept separate from all others. Farms vacated by slaughter, have been occupied by animals immediately surrounding them, in order to prevent the passage of the contagion into pastures a second remove beyond. And every temporary expedient has been resorted to, for the purpose of checking the disease, until the Commissioners shall receive that aid which is necessary for the carrying out of the Act under which they were appointed.

It will be remembered that the Commission was established by an Act providing for the *extirpation* of the disease among cattle, called Pleuro-Pneumonia. No other power was conferred by the Act, and it is reasonable to suppose that the legislature which passed the Act felt satisfied that no other effectual remedy for the disease had been found to exist. That the disease was highly contagious, every scientific man and every farmer in Europe, who had observed it, knew too well. All that medicinal agents had accomplished, was to prove that no remedies of that character would reduce the percentage of deaths in the infected herds. Inoculation alone had not been found to produce any effect in checking the ravages of the disease; and even this desperate measure had not, after many years' trial, eradicated the evil. The pathological phenomena of the disease has been carefully investigated by the best science in Europe, and had been recorded for the benefit of the most ardent scientific curiosity in this country. The experience of cattle-husbandmen in Africa and Australia, whither the disease had been carried from Holland, had proved that extirpation and isolation alone could stay it. Quarantines and hospitals seemed to be the expensive advantages required by the enthusiastic explorer—entire destruction the remedy demanded by the practical farmer. It was evident that a disease which could be carried in the system for months, and could be borne from one end of the earth to the other, a disease whose contagiousness is not known to be confined to any particular stage, a disease which even when not fatal, is sure to leave its mark behind to depress and enervate,—it was evident that such a disease could not be trifled with, nor the possible danger of its escape be incurred for the benefit of experiment, however well conducted. For the safety of the great agricultural interest of Massachusetts, and to preserve our country from a calamity whose consequences can hardly be estimated, the Act of extirpation was passed by the Massachusetts legislature.

It is on account of their inability to carry out the design of the legislature, under the Acts touching this matter, that the Commissioners joined with many citizens and a committee of the State Board of Agriculture, in a petition for an extraordinary session. The

appropriation already made, has proved wholly inadequate. It has been only through the promise of a liberal guaranty fund, and a fair coöperation on the part of the farmers interested, that the work has progressed to its present condition. The powers of the Commissioners have been found to be insufficient. It is physically impossible for them to contend with the evil, without authority to employ agents in the various infected regions. They require, moreover, the assistance of town authorities, in establishing sanitary regulations and a sanitary police. And as many portions of the Commonwealth are exposed to the disease, by the passage of cattle from pasture to pasture, it would seem necessary that power be conferred for the formation of a *cordon* where required, either by extirpation or by such other means as may be deemed expedient.

The magnitude of the evil is too well known to require any additional statement from the Commissioners. They are fully aware of the large interests involved, and of the extent of the calamity should they fail in their labors. And while they would leave it to higher authority to decide whether the course already adopted shall be continued, or some other plan be adopted, they would express their confidence in the possibility of arresting the disease, whenever the employment of vigorous and active measures is authorized.

PAOLI LATHROP.
GEO. B. LORING.
AMASA WALKER.

D I A G N O S I S .

The symptoms of the disease called Pleuro-Pneumonia, described by English authors, do not essentially differ from those of the animals affected by the disease in this country.

Amongst the signs or symptoms are these: if the animals are at pasture at the commencement of the disease, they will be found, early in the morning, separated from the herd, with arched backs, coats staring, and refusing to eat; while, as the day advances, they will join the rest, and appear to be in usual health.

A slight but husky cough will be occasionally recognized; and, at times the breathing will be increased, as if the animal had made some extra exertion; and in milch cows there will also be a diminished amount of milk.

As the disease progresses, the cough becomes more frequent and husky; the respiration is humid; the pulse increased and somewhat oppressed; the appetite diminished; rumination suspended; bowels constipated; surface of the body and limbs cold; the skin rigid and almost immovable over the ribs; the animal, on pressure upon the spine, flinches, and is unable to bear pressure or percussion on the sides of the chest or costal regions.

In more advanced stages, the respiration is difficult, labored and painful. The animal frequently lies down; and when standing, the head is protruded, the mouth covered with frothy saliva, the muzzle cold, and the aspect spiritless and haggard.

On striking or percussing the affected side, a dull or dead sound is usually elicited to a greater or less extent, but this will depend upon the extent to which the lung has become consolidated, and the presence or absence of fluid in the cavity of the chest. On applying the ear to the sides of the chest, one or the other is found to be affected: sometimes, though rarely, both are implicated. When applied in the region of the diseased part, the ear fails to perceive the low, rustling murmur of healthy lungs, and detects a crepitating sound or rattle, which, as the case advances towards an unfavorable termination, becomes duller, and, at last, is altogether inaudible.

An examination of animals, which have died of the disease called Pleuro-Pneumonia, will present various appearances. The lungs of the same animal will show all the different stages of the disease;—red hepatization, dark spots, and an effusion of serum.

The aerial poison, whatever may be its nature, being carried by the ordinary process of respiration into the air cells of the lungs, exerts its baneful influence upon the blood as it circulates through the capillaries.

The amount of the poisonous matter received at each inspiration is not sufficient to interrupt at once the functions of the lungs; for were this the case, death would speedily take place from asphyxia. We have constant proofs that the disease is partial in its attack, and insidious in its nature, making its way stealthily. Very often it is unobserved until it has made great ravages on the constitution of the animal.

The component parts of the lungs are held together by an interstitial areolar tissue, of very minute net-work; and when the red corpuscles of the blood escape from the capillaries by the rupture of their coats, this texture retains these bodies in its meshes, and assists in producing the dark color of the isolated patches.

This color depends in part, also, on the distending of many of the capillaries, almost to bursting, by the red corpuscles. The united pressure of the overloaded vessels and of the infiltrated interlobular and interstitial tissues compresses the air cells, and prevents the entrance of the atmospheric air into them; hence the absence in advanced stages of Pleuro-Pneumonia, of the respiratory sound in the affected parts.

The extreme dark shade of the color of some of the patches proceeds from the same cause; for the pigment of the accumulated corpuscles, in consequence of the exclusion of the oxygen of the air from the cells, cannot be decarbonized. It is difficult to explain the precise changes which take place in the blood resulting from the operation of the aerial poison; but it appears that the vitality of the fibrin is interfered with, and that this with the albuminous constituents of the fluid, altered also in quality, is transuded from the capillary vessels, and finds its way into the areolar tissue of the lungs, accumulating where this tissue exists in great abundance,—in the interlobular spaces; this inordinate transudation seems to depend on a tendency in the blood to separate into its several constituents, arising probably from the diminished vital force of the fibrin, and an obstruction to the conversion of the albumen of the serum into fibrin. The fibrino-albuminous portion of the fluid is thus changed and probably augmented, and their exudation is a natural consequence of such condition.

The red corpuscles being in part deprived of the liquor sanguinis in which they float, are retained in the capillaries, where they accumulate in unlimited number, and obstruct their passage and compress the air cells which they surround, so as to stay the entrance of the air, and produce, as elsewhere stated, the dark colored spots which stud the lungs; it is these effusions and the obstructed condition of the vessels which gives bulk, increased weight and solidity to the lungs, and destroys their function as aerating organs.

The blocking up of the air cells, vessels, &c., destroys these structures; and when this is partial and of little extent, portions of the lung will become detached, and be inclosed in sacks formed by the adhesive stage of the subsequent inflammation.

This will also explain how it is that collections of pus and other morbid products are occasionally observed in post mortem examinations of long existing cases of Pleuro-Pneumonia.

It ought not, therefore, to be a matter of surprise, nor to cast opprobrium on veterinary science, that an affection which depends on an im poisoned atmosphere, and is associated with such extensive lesions of organs so essential to health, and which stealthily wends its way and saps the very vitals, should prove so destructive to life and likewise resist the most vigorous and scientific treatment.

E. F. THAYER, V. S.
GEORGE BATES, M. D.

Number and Product of Neat Cattle—1850.

Number of milch cows,*	.	.	.	.	.	6,385,094
working oxen,*	.	.	.	.	.	1,700,744
other cattle,*	.	.	.	.	.	10,293,069
Total neat cattle,	.	.	.	.	.	18,378,907
Value of butter, 313,345,000 lbs.,†	.	.	.	.	.	\$56,402,000 00
cheese, 165,535,000 lbs.,†	.	.	.	.	.	8,216,000 00
milk,†	.	.	.	.	.	16,000,000 00
labor of oxen, 850,000 yoke, at \$20 per	.	.	.	.	.	
yoke,	.	.	.	.	.	17,007,000 00
slaughtered animals, deducting sheep and	.	.	.	.	.	
swine,*	.	.	.	.	.	75,000,000 00
						\$172,625,000 00
Value of neat cattle, 18,378,000, at \$20 per head,	.	.	.	.	.	367,560,000 00
Total value of product and property,	.	.	.	.	.	\$540,185,000 00
Total value in 1860, at an estimated increase of 20	.	.	.	.	.	
per cent.,	.	.	.	.	.	\$648,222,000 00

* Compend Census 1850, p. 174.

† Tucker's Progress of Population in U. S., pp. 63, 64.

CHANGE OF NAMES.

SECRETARY'S DEPARTMENT, 1860.

By the 256th chapter of the Acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the Secretary of the Commonwealth, of all changes of names made under and by virtue of this act; and such returns shall be published in a tabular form, with the statutes of each year." In compliance therewith, returns of the following changes of names have been received at this Department, as decreed by the several Judges of Probate and Insolvency for their respective counties, in the year 1859.

SUFFOLK COUNTY.

Nellie Frances Bartlett, takes the name of Nellie Frances Wright.

Williamina Arrabella Crolius, takes the name of Williamina Arabella Potter.

Caroline F. Eaton, takes the name of Betsey Watson Eaton.

John Finegan, takes the name of John Dillon.

Mary Elizabeth Goodwin, takes the name of Mary Elizabeth Johnson.

Anna Cordelia Adelaide Hanson, takes the name of Anna Cordelia Adelaide Johnson.

Heilda Hanson, takes the name of Sarah Eliza Swasey.

John Munroe Little, takes the name of John Mason Little.

Henrietta Stewart Robinson, takes the name of Marietta Stewart Foster.

Elizabeth Schrader, takes the name of Lizzie Paige.

Charlotte A. Snelling, takes the name of Charlotte A. Pratt.

William Mathew Smith, takes the name of William Smith Phillipson.

Mary Elizabeth Walker, takes the name of Minnie Cecilia Hatchman.

CHANGE OF NAMES.

ESSEX COUNTY.

April 5, 1859. Josiah Dearborn Clark, of Methuen, a minor, takes the name of George Merrill Clark. Elisha K. Bailey and Emily A., his wife, of Salem, adopt Ella Meady, a minor, and said Ella takes the name of Ella Florence Meady Bailey.

April 19. John Johnson and Betsey P., his wife, of West Amesbury, adopt Lucy E. Goodhue, a minor, and said Lucy takes the name of Emma L. Johnson.

May 3. Lewis Tappan, of Manchester, takes the name of Lewis Northey Tappan. Charles H. Lane and Eliza G., his wife, of Gloucester, adopt Annah Frame, a minor, and said Annah takes the name of Myra Anna Lane.

June 7. Alexander Cobban, of Groveland, takes the name of George Albert Cobban. Aquilla R. Baker, of Marblehead, takes the name of William Rich Baker.

July 5. Orrin Ross Maddox, of Lynn, takes the name of Orrin Maddox Ross. James Hayes and Catharine, his wife, of Georgetown, adopt Michael O'Brien, a minor, and said Michael takes the name of Michael Hayes.

October 4. Thomas B. Cheever and Mary B., his wife, of Lynn, adopt William Otis Dearborn, a minor, and said William takes the name of William Otis Cheever. Asel Snow, of Methuen, adopts Eva Mathews, a minor, and said Eva takes the name of Evalyne Snow.

October 18. Isaac R. Gale and Susan P., his wife, of Haverhill, adopt George Tucker, a minor, and said George takes the name of William Gale.

December 6. Moses Longley and Sarah, his wife, of Rockport, adopt Victoria Stone, a minor, and said Victoria takes the name of Sarah Livonia Longley. William C. D. Page and Elizabeth J., his wife, of Newburyport, adopt George W. Bennett, a minor, and said George takes the name of William C. W. Page.

MIDDLESEX COUNTY.

January 4, 1859. John S. and Marianna R. Hartwell, of Littleton, adopt Ida Frances Hartwell, of Harvard, a minor. John N. Peirce, Jr., and Mary D. Peirce, of Lowell, adopt Annie Augusta Peirce, a minor.

March 8. Samuel M. P. Hersey, of Charlestown, takes the name of Samuel M. Plummer. John J. and Lucy Bourne, of Charlestown, adopt Emma Fairbarn, of Somerville, a minor, and said Emma takes the name of Emma

Lucy Bourne. Ezra and Caroline C. Wing, of Newton, adopt Amelia West, of Boston, a minor, and said Amelia takes the name of Carrie Amelia Wing.

April 26. Charles M. and Caroline A. Dinsmoor, of Cambridge, adopt William Richard Marshall Goodall, of Boston, a minor, and said William takes the name of William Richard Dinsmoor.

May 10. James and Mary D. Watson, of Lowell, adopt Mary Elizabeth Churchill, of Lowell, a minor, and said Mary takes the name of Mary Elizabeth Watson.

June 7. Mary Hamblet, of Dracut, adopts Ellen Quinn, of Dracut, a minor, and said Ellen takes the name of Mary Ellen Hamblet.

June 14. John Knight, 3d, of Woburn, takes the name of John Gould Knight. John Mirrorgen, of South Reading, takes the name of John Forrest.

June 28. James and Lizzie A. L. Hurd, of Waltham, adopt Emma Frances Gregory, of Waltham, a minor, and said Emma takes the name of Emma Frances Hurd.

August 9. John Barrett Brewster, of Malden, takes the name of John Calvin Brewster.

September 6. Henry C. and Caroline Parker, of Woburn, adopt Sarah Jane Card, of Raymond, New Hampshire, and said Sarah takes the name of Sarah Jane Parker.

October 11. David M. and Julia A. Lufkin, of Cambridge, adopt Emma Gertrude, a minor, and said Emma takes the name of Emma Gertrude Lufkin. Henry A. and Harriet Tufts, of West Cambridge, adopt Clara Lavinia Spalding, of Wilton, New Hampshire, a minor, and said Clara takes the name of Mary Lavinia Tufts.

October 25. Roswell W. and Mary H. Turner, of Newton, adopt Mary Jane McElmurry, of Clarksville, Maryland, a minor, and said Mary takes the name of Mary Frances Turner.

November 8. James and Lucy J. Pickering, of Waltham, adopt Jennie Taylor, of Newburyport, a minor, and said Jennie takes the name of Jennie Augusta Pickering.

November 22. John W. and Matilda Fairbanks, of Melrose, adopt Evalyn Maria Brown, of Lowell, a minor, and said Evalyn takes the name of Matilda Fairbanks.

December 13. John W. and Sarah S. Gardner, of Cambridge, adopt John Stewart, of Boston, a minor, and said John takes the name of Franklin Wesley Gardner.

CHANGE OF NAMES.

WORCESTER COUNTY.

Cyrus Angell, takes the name of Cyrus Locke. William A. Frinke, takes the name of William Augustus Mandell. Sarah Anna Leonard, takes the name of Sarah Anna Leonard Howe. Wilbur Fiske, takes the name of William Arthur Loud. Georgiana Salisbury, takes the name of Georgiana Eliza Rugg. Martha Ann Peirce, takes the name of Ann Eliza Wood. George Harrison Sherwin, takes the name of George Sherwin. Craft Eastman, takes the name of Edward Craft Eastman. John Carey, takes the name of John Carey Wood. Charles Sylvester Hoar, takes the name of Charles Sylvester Brooks. Patrick Duffy, takes the name of John Duffy. Hartwell B. Staples, takes the name of Thomas Benton Staples. Mary Elizabeth Clapp, takes the name of Mary Elizabeth Clapp Watson. Charles Follen Blood, takes the name of Charles Follen Blake. Helen B. Fish, takes the name of Emma Eldredge. Artemas Brigham, takes the name of Andrew Densmore. Jennie Rice, takes the name of Jennie Rice Eaton. Frank Wilder Messer, takes the name of Frank Wilder Gibson. Jessie F. Watson, takes the name of Jessie Watson Clark. Elizabeth Colon, takes the name of Elizabeth Greenwood. George W. A. Lane, takes the name of George W. Johnson. Elizabeth Reynolds, takes the name of Agnes Aldanah Billings. George Jones Gage, takes the name of George Tufts Brackett.

HAMPSHIRE COUNTY.

June 7, 1859. Alden B. Curtis and wife, of Worthington, adopt Willie Albro Mellen, and said Willie takes the name of Willie Albro Curtis.

July 5. Elbert Langdon and wife, of Westhampton, adopt Clarence H. Williams, and said Clarence takes the name of Clarence H. Langdon.

HAMPDEN COUNTY.

March 1, 1859. Isabel Julia Shaw, adopts Isabel Julia Smith.

July 5. Lizzie Pitman Vaille, takes the name of Lizzie Chase.

September 13. Elizabeth Frances Tainter, adopts Elizabeth Frances Brackett.

FRANKLIN COUNTY.

February 8, 1859. George L. Hovey and wife, of Greenfield, adopt Ellen E. Carpenter, a minor, and said Ellen takes the name of Ellen E. Hovey.

October 11. Shadrach B. Upton and wife, of Charlemont, adopt Mary Ellen Hawks, a minor, and said Mary takes the name of Mary Ellen Upton.

November 1. Abel Dutton and wife, of Colrain, adopt Fanny M. Wells, a minor, and said Fanny takes the name of Fanny B. Dutton. Amasa Bardwell and wife, of Shelburne, adopt Ida Mary Roberts, a minor, and said Ida takes the name of Ida Mary Bardwell.

BERKSHIRE COUNTY.

May 3, 1859. William and Amanda Rath, of Hinsdale, adopt Edward Homer England, and said Edward takes the name of Edward Homer Rath.

NORFOLK COUNTY.

Grenville Brooks and wife, of Quincy, adopt Anne Smith, a minor, and said Anne takes the name of Florence Eliza Brooks.

Andrew J. Loughton and wife, of Stoughton, adopt John Chisholm, a minor, and said John takes the name of Ernest Loughton.

William Henry Hitchcock and wife, of Sharon, adopt Beulah Wadsworth Sprague Joyce, a minor, and said Beulah takes the name of Beulah Josephine Hitchcock.

Rufus Daniels and wife, of Stoughton, adopt Mary Damon, a minor, and said Mary takes the name of Cora Ann Daniels.

Edwin Field and wife, of Brookline, adopt Frances Louisa Hendrick, a minor, and said Frances takes the name of Frances Louisa Field.

Henry L. Studley and wife, of Cohasset, adopt Elizabeth B. Sanderson, and said Elizabeth takes the name of Liza Studley.

Maria Antoinette Hill, of Foxborough, takes the name of Maria Antoinette Perry.

Frank Ellis Hill, of Foxborough, a minor, takes the name of Frank Ellis Perry.

CHANGE OF NAMES.

BRISTOL COUNTY.

January 4, 1859. Joseph Lawton, takes the name of Joseph Lawton Mosher.

June 7. Emeline A. Rounds, takes the name of Emeline A. Hathaway.

July 8. Walter Hollis, takes the name of Ernest Albert Guild.

PLYMOUTH COUNTY.

Juliet C. Morton, of Middleborough, a minor, takes the name of Hannah H. Morton.

BARNSTABLE COUNTY.

Addie Maria Crowell, takes the name of Olivia James Crowell. Henry Ebenezer Crosby, takes the name of Henry Ebenezer Atkins. Eunice Clark Swift, takes the name of Eunice Catharine Swift.

No application for change of name has been made to the judges of probate and insolvency for the counties of Dukes and Nantucket, during the year 1859.

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THE
CIVIL GOVERNMENT
OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR, 1860.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
NATHANIEL P. BANKS,
GOVERNOR.

HIS HONOR
ELIPHALET TRASK,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

I. — JACOB SLEEPER,	V. — LYMAN DIMOCK,
II. — JOHN I. BAKER,	VI. — AARON C. MAYHEW,
III. — JAMES M. SHUTE,	VII. — J. McKEAN CHURCHILL,
IV. — HUGH W. GREENE,	VIII. — CHARLES F. SWIFT.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

MOSES TENNEY,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN H. SMITH, *2d Clerk.*

STEPHEN H. PHILLIPS,

ATTORNEY-GENERAL.

WILLIAM G. CHOATE, *Clerk.*

CHARLES WHITE,

AUDITOR OF ACCOUNTS.

JULIUS L. CLARKE, *Clerk.*

GENERAL COURT,

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

SENATE.

President—CHARLES A. PHELPS.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Nehemiah Boynton, . . .	Chelsea.
Second “ . . .	Lucius Slade, . . .	Boston.
Third “ . . .	Thomas P. Rich, . . .	“
Fourth “ . . .	Charles A. Phelps, . . .	“
Fifth “ . . .	George Odiorne, . . .	“
First Essex, . . .	Edwin Walden, . . .	Lynn.
Second “ . . .	J. B. F. Osgood, . . .	Salem.
Third “ . . .	George L. Davis, . . .	North Andover.
Fourth “ . . .	Benjamin Evans, . . .	Salisbury.
Fifth “ . . .	Warren Tilton, . . .	Beverly.
First Middlesex, . .	Eugene L. Norton, . . .	Charlestown.
Second “ . . .	Stephen T. Farwell, . . .	Cambridge.
Third “ . . .	William Claflin, . . .	Newton.
Fourth “ . . .	Benjamin W. Gleason, . .	Stow.
Fifth “ . . .	Horace Conn, . . .	Woburn.
Sixth “ . . .	Ephraim B. Patch, . . .	Lowell.
Central Worcester, .	Dexter F. Parker, . . .	Worcester.

District.	Name of Senator.	Residence.
South-East Worcester,	Alvin Cook, ...	Uxbridge.
South-West “ .	Nathaniel Eddy, ...	Oxford.
West “ .	Jason Gorham, ...	Barre.
North-East “ .	Goldsmith F. Bailey, . . .	Fitchburg.
East “ .	John E. Frye,*	Bolton.
Hampshire, ...	Hiram Nash, ...	Williamsburg.
Franklin, ...	Carver Hotchkiss, ...	Shelburne.
Hampshire & Franklin,	Lucius M. Boltwood, . . .	Amherst.
West Hampden, . . .	Timothy W. Carter, ...	Chicopee,
East “ . . .	Gordon M. Fisk, ...	Palmer.
North Berkshire, . . .	Lansing J. Cole, ...	Cheshire.
South “ . . .	Samuel B. Sumner, ...	Great Barrington.
North Norfolk, . . .	Samuel Walker, ...	Roxbury.
East “ . . .	J. H. D. Blake, ...	Braintree.
West “ . . .	Milton M. Fisher, ...	Medway.
North Bristol, ...	Cassander Gilmore, ...	Raynham.
South “	Samuel Watson, ...	New Bedford.
West “	Menzies R. Randall, ...	Rehoboth.
North Plymouth, . . .	Levi Reed, ...	Abington.
South “	John M. Kinney, ...	Wareham.
Middle “	Nathaniel H. Whiting, . . .	Marshfield.
Cape, ...	Marshall S. Underwood, . .	Dennis.
Island, ...	Ichabod N. Luce, ...	Edgartown.

STEPHEN N. GIFFORD, *Clerk.* JOSEPH MARSII, *Chaplain.*
JOHN MORISSEY, *Sergeant-at-Arms.*

* Resigned and THOMAS RICE, of Shrewsbury, chosen to fill vacancy.

HOUSE OF REPRESENTATIVES.

Speaker—JOHN A. GOODWIN.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston, . {	Martin Griffin, . . . Jesse Holbrook, . . .	Boston. “
2d,	Ward 2, Boston, . {	Amos A. Dunuels, . . Nehemiah Gibson, . . Stephen N. Stockwell,	Boston. “ “
3d,	Ward 3, Boston, . {	Caleb Barker, . . . John C. Tucker, . . .	Boston. “
4th,	Ward 4, Boston, . {	Josiah A. Brodhead, . Charles Hale, . . .	Boston. “
5th,	Ward 5, Boston, . {	Andrew Abbot, . . . Frederick Whiton, . .	Boston. “
6th,	Ward 6, Boston, . {	Martin Brimmer, . . . Philip H. Sears, . . .	Boston. “
7th,	Ward 7, Boston, . {	Thomas C. Amory, Jr., Charles J. McCarthy,	Boston. “
8th,	Ward 8, Boston, . {	Otis Rich, ... George A. Shaw, . . .	Boston. “
9th,	Ward 9, Boston, . {	Thomas Hills, ... Thomas D. Morris, . .	Boston. “
10th,	Ward 10, Boston, . {	Abijah Ellis, ... Moses Kimball, . . .	Boston. “
11th,	Ward 11, Boston, . {	Amos B. Merrill, . . . H. Farnam Smith, . .	Boston. “
12th,	Ward 12, Boston, . {	William C. Jenkins, . . Judah Sears, ... Thomas Spinney, . . .	Boston. “ “

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Chelsea, ... } { North Chelsea, . . . } { Winthrop, ... }	Wm. Orne Haskell, . Benjamin Shurtleff, .	Chelsea. North Chelsea.

COUNTY OF ESSEX.

1st,	{ Amesbury, ... } { Salisbury, ... } { Newburyport, ... }	Elbridge G. Colby,* . Timothy S. Robinson,	Amesbury. Salisbury.
2d,	Andover, ...	George Foster, . . .	Andover.
3d,	{ Beverly, ... } { Wenham, ... } { Topsfield, ... }	William E. Kimball, . Andrew F. Wales, .	Topsfield. Beverly.
4th,	Danvers, ...	Arthur A. Putnam, .	Danvers.
5th,	{ Essex, ... } { Manchester, ... }	John Prince, . . .	Essex.
6th,	{ Georgetown, ... } { Groveland, ... }	Samuel Hood, . . .	Georgetown.
7th,	Gloucester, ... {	John J. Babson, . . . Fitz J. Babson, . . .	Gloucester. “
8th,	Haverhill, ... {	George W. Chase, . . Levi C. Wadleigh, .	Haverhill. “
9th,	{ Ipswich, ... } { Hamilton, ... }	George Haskell, . . .	Ipswich.
10th,	{ Wards 3 and 4, Lawrence, ... }	Thomas A. Parsons, .	Lawrence.
11th,	{ Wards 1, 2, and 6, Lawrence, ... }	Henry K. Oliver, . .	Lawrence.
12th,	Wards 2 and 5, Lynn,	Josiah F. Kimball, .	Lynn.
13th,	{ Wards 1, 6, and 7, Lynn, ... }	Charles Merritt, . .	Lynn.
14th,	{ Marblehead & Ward 5, Salem, ... }	Samuel L. Batchelder, Samuel Goodwin, . .	Salem. Marblehead.

* Resigned, and ORLANDO S. BAILEY, of Salisbury, chosen to fill vacancy.

COUNTY OF ESSEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen and Ward 5, } Lawrence, . . . }	David Gleason, . . .	Methuen.
16th,	{ Nahant and Ward 4, } Lynn, . . . }	Gustavus Atwill, . . .	Lynn.
17th,	{ Newbury, ... } West Newbury, . . . } Rowley, ... }	Moses T. Whittier, . .	Rowley.
18th,	{ Wards 1 and 2, New- } buryport, . . . }	John Woodwell, Jr., .	Newburyport.
19th,	{ Wards 3, 4, and 5, } Newburyport, . . }	Enoch S. Williams, . .	Newburyport.
20th,	{ Bradford, ... } North Andover, . . } Boxford, ... }	Warren Ordway, . . .	Bradford.
21st,	Rockport, ...	John D. Sanborn, . .	Rockport.
22d,	Wards 1 & 3, Salem,	George Choate, . . .	Salem.
23d,	{ Wards 2, 4, and 6, } Salem, ... }	Charles W. Upham, . .	Salem.
		Nathaniel A. Horton, .	"
24th,	{ Saugus, ... } Lynnfield, ... } Middleton, ... }	John Danforth, Jr., .	Lynnfield.
25th,	South Danvers, . . .	John V. Stevens, . . .	South Danvers.
26th,	{ Swampscott & Ward } 3, Lynn, ... }	Charles G. Clark, . . .	Lynn.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Charles Field, . . .	Charlestown.
2d,	{ Wards 2 & 3, Charles- } town, ... }	Marcellus Day, . . .	Charlestown.
		Edwin Woodman, . . .	"
		James F. Dwinell, . .	"
3d,	Somerville, ...	Asa Fisk, ...	Somerville.
4th,	Malden, ...	John Q. A. Griffin, .	Malden.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, ...	William M. Cudworth,	Medford.
6th,*	{ West Cambridge, . . } { Winchester, . . . }	Joseph Burrage, . .	W. Cambridge.
7th,	Cambridge, ... {	Francis L. Chapman, Geo. Wm. McLellan, . Nathan K. Noble, . .	Cambridge. “ “
8th,	{ Newton, ... } { Brighton, ... }	Will'd A. Harrington, Thomas Rice, Jr., . .	Brighton. Newton.
9th,*	{ Watertown, ... } { Waltham, ... }	Joseph Crafts, . . . Frederic M. Stone, . .	Watertown. Waltham.
10th,	{ Concord, ... } { Lincoln, ... } { Weston, ... }	Simon Brown, . . .	Concord.
11th,	Natick, ...	John O. Wilson, . .	Natick.
12th,	{ Holliston, ... }	Orrin Thomson, . .	Holliston.
13th,	{ Ashland, ... }	William A. Phipps, .	Hopkinton.
14th,	Framingham, ...	James W. Brown, . .	Framingham.
15th,	Marlborough, ...	Horatio Alger, . . .	Marlborough.
16th,	{ Stow, ... }	David Heard, . . .	Wayland.
17th,	{ Sudbury, ... }		
	{ Wayland, ... }		
	{ Acton, ... }		
	{ Boxborough, ... }		
	{ Littleton, ... }	Sam'l B. Chamberlain,	Carlisle.
	{ Carlisle, ... }		
18th,	{ Burlington, ... }	P. W. Chamberlin, .	Bedford.
	{ Bedford, ... }		
	{ Lexington, ... }		
19th,	Woburn, ...	Nathan Wyman, . .	Woburn.
20th,	{ South Reading, . . }	Lyman Dike, . . .	Stoneham.
	{ Melrose, ... }	John Wiley, 2d, . .	South Reading.
	{ Stoneham, ... }		

* Town of Belmont incorporated 1859, embracing portions of Districts 6 and 9.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, ... } { North Reading, . . }	Edward M. Horton, .	Reading.
22d,	{ Wilmington, ... } { Tewksbury, ... } { Billerica, ... }	Lemuel C. Eames, .	Wilmington.
23d,	{ Wards 1, 2, and 5, { { Lowell, ... }	Jeremiah Clark, . . David Nichols, . . . Stephen P. Sargent, .	Lowell. “ “
24th,	{ Wards 3, 4, and 6, { { Lowell, ... }	Noah F. Gates, . . . John A. Goodwin, . . Tappan Wentworth, .	Lowell. “ “
25th,	{ Chelmsford, ... } { Dracut, ... } { Tyngsborough, . . }	Josiah Ames, Jr., . .	Dracut.
26th,	{ Shirley, ... } { Groton, ... } { Dunstable, ... } { Westford, ... } { Pepperell, ... }	George T. Day, . . . Alpheus Swallow, . .	Westford. Dunstable.
27th,	{ Townsend, ... } { Ashby, ... }	Alexander Craig, . .	Townsend.

COUNTY OF WORCESTER.

1st.	{ Ashburnham, ... } { Winchendon, ... }	William Murdock, .	Winchendon.
2d,	{ Athol, ... } { Royalston, ... }	Nathaniel Richardson,	Athol.
3d,	{ Dana, ... } { Petersham, ... } { Phillipston, ... }	Nathaniel L. Johnson,	Dana.
4th,	{ Templeton, ... } { Hubbardston, ... }	Leonard Stone, . .	Templeton.
5th,	{ Gardner, ... } { Westminster, ... }	Seth Heywood, . . .	Gardner.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER.—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Fitchburg, ... }	John Howard, . . .	Lunenburg.
	{ Leominster, ... }	Francis Tinker, . .	Leominster.
	{ Sterling, ... }	Edwin Upton, . . .	Fitchburg.
	{ Lunenburg, ... }		
7th,	{ Harvard, ... }	George W. Maynard,	Berlin.
	{ Bolton, ... }		
	{ Berlin, ... }		
8th,	{ Clinton, ... }	Jonas E. Howe, . .	Clinton.
	{ Lancaster, ... }		
9th,	{ Princeton, ... }	Franklin Hathaway, .	Rutland.
	{ Rutland, ... }		
	{ Oakham, ... }		
10th,	{ Barre, ... }	Forister B. Aiken, .	Hardwick.
	{ Hardwick, ... }		
11th,	{ Warren, ... }	George Crowell, . .	W. Brookfield.
	{ West Brookfield, . . }		
	{ New Braintree, . . }		
12th,	{ North Brookfield, . }	John Howe Jenks, .	N. Brookfield.
	{ Brookfield, ... }		
13th,	{ Leicester, ... }	John D. Cogswell, .	Leicester.
	{ Spencer, ... }		
14th,	{ West Boylston, . . }	Windsor N. White, .	W. Boylston.
	{ Holden, ... }		
	{ Paxton, ... }		
15th,	{ Shrewsbury, . . . }	John Andrews, . . .	Boylston.
	{ Northborough, . . }		
	{ Boylston, ... }		
16th,	{ Westborough, . . . }	Albert J. Burnap, . .	Westborough.
	{ Southborough, . . }		
17th,	Grafton, ...	Charles Brigham, . .	Grafton.
18th,	{ Northbridge, . . . }	Henry D. Johnson, .	Upton.
	{ Upton, ... }		
19th,	Milford, ... }	James H. Barker, . .	Milford.
		Andrew J. Sumner, .	"

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	{ Uxbridge, ... } { Mendon, ... }	Sumner Ballou, . . .	Mendon.
21st,	Blackstone, ...	John G. Ray, ...	Blackstone.
22d,	{ Webster, ... } { Douglas, ... }	John Abbott, ...	Douglas.
23d,	{ Southbridge, ... } { Dudley, ... }	Verney Fiske, ...	Southbridge.
24th,	{ Charlton, ... } { Sturbridge, ... }	Gilbert Rich, ...	Charlton.
25th,	{ Oxford, ... } { Sutton, ... } { Millbury, ... }	Seth Daniels, ... George Hodges, Jr., .	Oxford. “
26th,	{ Auburn, and Ward } { 6, Worcester, . . }	Benjamin F. Otis, . .	Worcester.
27th,	{ Wards 1 and 2, Wor- } { cester, ... }	Samuel A. Knox, . . .	Worcester.
28th,	{ Wards 3 and 8, Wor- } { cester, ... }	Henry C. Rice, . . .	Worcester.
29th,	{ Wards 4 and 5, Wor- } { cester, ... }	Joseph Pratt, ...	Worcester.
30th,	Ward 7, Worcester, .	Timothy S. Stone, . .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, ... } { Hatfield, ... } { Northampton, ... } { Southampton, ... }	Lafayette Clapp, . . . Samuel L. Parsons, . .	Easthampton. Northampton.
2d,	{ Chesterfield, ... } { Huntington, ... } { Westhampton, ... } { Williamsburg, ... }	Charles H. Kirkland, .	Huntington.
3d,	{ Cummington, ... } { Goshen, ... } { Middlefield, ... } { Plainfield, ... } { Worthington, ... }	Samuel W. Lincoln, . .	Plainfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Hadley, ... } { South Hadley, . . . }	Thaddeus Smith, . .	Hadley.
5th,	{ Amherst, ... } { Granby, ... } { Pelham, ... }	Josiah Ayres, . . .	Amherst.
6th,	{ Belchertown, ... }	Samuel D. Cowles, .	Belchertown.
	{ Enfield, ... }	Lewis Demond, . . .	Ware.
	{ Greenwich, ... }		
	{ Prescott, ... }		
	{ Ware, ... }		

COUNTY OF HAMPDEN.

1st,	{ Brimfield, ... }	David F. Parker, . .	Wales.
	{ Monson, ... }		
	{ Holland, ... }		
	{ Wales, ... }		
2d,	Palmer, ...	John Clough, . . .	Palmer.
3d,	{ Wilbraham, ... }	William P. Spellman,	Wilbraham.
	{ Longmeadow, . . . }		
4th,	{ Wards 1 & 2, Spring- }	Richard Bliss, . . .	Springfield.
	{ field, ... }		
5th,	{ Wards 3 & 4, Spring- }	Daniel Gay, ...	Springfield.
	{ field, ... }		
6th,	{ Wards, 5, 6, 7 and 8, }	Ezra Kimberly, . . .	Springfield.
	{ Springfield, . . . }		
7th,	{ Chicopee, ... }	Joseph B. McCune, .	Chicopee.
	{ Ludlow, ... }	George S. Taylor, . .	"
8th,	{ Holyoke, ... }	Wm. B. C. Pearsons, .	Holyoke.
	{ West Springfield, . }		
9th,	{ Agawam, ... }	James H. Ferre, . . .	Agawam.
	{ Southwick, ... }		
	{ Granville, ... }		
10th,	Westfield, ...	Jasper Raym'd Rand,	Westfield.

COUNTY OF HAMPDEN—Continued.

District.	Towns.	Name of Representative.	Residence.
11th,	{ Chester, ... } { Blandford, ... } { Tolland, ... } { Montgomery, ... } { Russell, ... }	Addison M. Bradley,	Russell.

COUNTY OF FRANKLIN.

1st,	{ Bernardston, ... } { Colrain, ... } { Greenfield, ... } { Gill, ... } { Leyden, ... } { Shelburne, ... }	Jonathan Budington, Timo. M. Stoughton,	Leyden. Gill.
2d,	{ Buckland, ... } { Charlemont, ... } { Heath, ... } { Monroe, ... } { Rowe, ... }	Philip Gale,	Heath.
3d,	{ Ashfield, ... } { Conway, ... } { Hawley, ... }	John Vincent,	Hawley.
4th,	{ Deerfield, ... } { Whately, ... }	William H. Fuller,	Whately.
5th,	{ Leverett, ... } { Shutesbury, ... } { Sunderland, ... } { Wendell, ... }	Henry Peirce,	Shutesbury.
6th,	{ Erving, ... } { Montagne, ... } { Northfield, ... }	Samuel G. Pratt,	Montagne.
7th,	{ New Salem, ... } { Orange, ... } { Warwick, ... }	Nathaniel E. Stevens,	Warwick.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE.

District.	Towns.	Name of Representative.	Residence.
1st,	{ Hancock, ... } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	William E. Johnson, .	Williamstown.
2d,	{ Adams, ... } { Cheshire, ... } { Clarksburg, ... } { Florida, ... } { Savoy, ... }	Timothy Baker, . . Geo. W. Nottingham,	Savoy. Adams.
3d,	{ Pittsfield, ... } { Dalton, ... } { Richmond, ... }	Robert W. Adam, . . William R. Plunkett,	Pittsfield. "
4th,	{ Becket, ... } { Hinsdale, ... } { Peru, ... } { Washington, . . . } { Windsor, ... }	Andrew J. Babbitt, .	Windsor.
5th,	{ Lenox, ... } { Stockbridge, . . . } { West Stockbridge, . }	Henry W. Bishop, .	Lenox.
6th,	{ Lee, ... } { Tyringham, . . . }	John Stallman, Jr., .	Lee.
7th,	{ Great Barrington, . } { Alford, ... } { Monterey, ... }	William Stoddard, .	Alford.
8th,	{ New Marlborough, . } { Sandisfield, . . . } { Otis, ... }	Henry W. Bosworth,	Otis.
9th,	{ Sheffield, ... } { Mount Washington, . } { Egremont, ... }	John Scovill, . . .	Sheffield.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Dedham, ...	Eliphalet Stone, . .	Dedham.
2d,	West Roxbury, . .	Samuel Jackson, . .	West Roxbury.
3d,	Brookline, ...	Thomas Parsons, . .	Brookline.
4th,	Roxbury, ... {	Isaac S. Burrell, . .	Roxbury.
		George H. Williams, .	"
		Henry Willis, ...	"
5th,	Dorchester, ... {	Ebenezer Eaton, . .	Dorchester.
		Henry L. Pierce, . .	"
6th,	Quincy, ...	Jonathan Jameson, .	Quincy.
7th,	Braintree, ...	Francis A. Hobart, .	Braintree.
8th,	Weymouth, ... {	David S. Murray, . .	Weymouth.
		Otis Smith, ...	"
9th,	Randolph, ...	Thomas White, Jr., .	Randolph.
10th,	Stoughton, ...	Elmer H. Capen, . .	Stoughton,
11th,	{ Canton, ... }	Asahel S. Drake, . .	Sharon.
	{ Milton, ... }		
	{ Walpole, ... }		
	{ Sharon, ... }		
12th,	{ Foxborough, ... }	Otis Cary, ...	Foxborough.
	{ Wrentham, ... }	Chauncey G. Fuller, .	Wrentham.
	{ Medway, ... }		
13th,	{ Franklin, ... }	James M. Freeman, .	Franklin.
	{ Bellingham, ... }		
14th,	{ Needham, ... }	Jacob R. Cushman, .	Medfield.
	{ Medfield, ... }		
	{ Dover, ... }		

COUNTY OF BRISTOL.

1st,	{ Pawtucket, ... }	George D. Hatch, . .	Attleborough.
	{ Attleborough, . . . }	Elisha Wilmarth, . .	"
2d,	{ Mansfield, ... }	Walter A. Crowley, .	Mansfield.
	{ Norton, ... }		

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Easton, ... } { Raynham, ... }	Hiram A. Pratt, . . .	Easton,
4th,	Taunton, ... {	Elisha Copeland, . . . Henry Sproat, . . . Sol. Woodward, Jr., .	Taunton. “ “
5th,	{ Rehoboth, ... } { Seekonk, ... }	Ira S. Baker, . . .	Rehoboth.
6th,	{ Dighton, ... } { Somerset, ... } { Swanzey, ... }	Edward F. Gardner, .	Swanzey.
7th,	Fall River, ... {	Lloyd S. Earle, . . . S. C. Wrightington, .	Fall River. “
8th,	Westport, ...	Perry Davis, . . .	Westport.
9th,	Dartmouth, ...	Francis W. Mason, .	Dartmouth.
10th,	{ Wards 1 and 2, New } { Bedford, ... }	Alanson Borden, . . . Sabin P. Chamberlain,	New Bedford. “
11th,	{ Wards 3, 4, 5 and 6, } { New Bedford, . . . }	Nathan B. Gifford, . Richard A. Peirce, . James Rider, . . .	New Bedford. “ “
12th,	{ Berkley, ... } { Freetown, ... } { Fairhaven, ... }	Marcus M. Rounsevell, Samuel L. Ward, . . .	Freetown. Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Hull, ... } { Cohasset, ... } { Scituate, ... }	George Beal, . . .	Cohasset.
2d,	Hingham, ...	Demerick Marble, .	Hingham.
3d,	{ South Scituate, . . } { Hanover, ... }	Isaac Totman, Jr., .	South Scituate.
4th,	{ Marshfield, ... } { Pembroke, ... }	John Tilden, . . .	Marshfield.

COUNTY OF PLYMOUTH—Continued.

District.	Towns.	Name of Representative.	Residence.
5th,	{ Duxbury, ... } { Kingston, ... }	George Bradford, . .	Duxbury.
6th,	{ Plymouth, ... } { Carver, ... }	William T. Hollis, . Charles H. Howland,	Plymouth. “
7th,	{ Wareham, ... } { Marion, ... }	Silas T. Soule, . . .	Wareham.
8th,	{ Mattapoisett, . . . } { Rochester, ... } { Lakeville, ... }	David Lewis, . . .	Rochester.
9th,	Middleborough, . .	Andrew M. Eaton, .	Middleborough.
10th,	{ Bridgewater, . . . } { West Bridgewater, . }	Caleb Copeland, Jr.,	W. Bridgewater.
11th,	{ East Bridgewater, . } { North Bridgewater, }	David Pratt, 2d., . . Edw. Southworth, Jr.,	E. Bridgewater. N. Bridgewater.
12th,	Abington, ... {	Benjamin Frost, . . Meritt Nash, ...	Abington. “
13th,	{ Hanson, ... } { Halifax, ... } { Plympton, ... }	Winslow Conant, . .	Hanson.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, ... } { Sandwich, ... } { Falmouth, ... }	Joseph Hoxie, . . . Ansel Lewis, ... William Nye, Jr., . .	Sandwich. Barnstable. Falmouth.
2d,	{ Yarmouth, ... } { Dennis, ... } { Harwich, ... } { Chatham, ... }	James S. Howes, . . Benj. H. Matthews, . Edward Smalley, . .	Dennis. Yarmouth. Harwich.
3d,	{ Brewster, ... } { Orleans, ... } { Eastham, ... }	Nathan Crosby, . . .	Brewster.
4th,	{ Wellfleet, ... } { Truro, ... } { Provincetown, . . . }	Simeon Atwood, Jr., James Gifford, . . .	Wellfleet. Provincetown.

HOUSE OF REPRESENTATIVES.

COUNTY OF DUKES.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, ... } { Tisbury, ... } { Chilmark, ... }	Alexander Newcomb,	Tisbury.

COUNTY OF NANTUCKET.

One.	Nantucket, ... {	James Thompson, . . Charles Wood, . . .	Nantucket. “
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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON,)
June 30, 1860.)

I hereby certify that the printed Acts, Resolves, &c.,
contained in this volume, are true copies of the originals.

OLIVER WARNER,

Secretary of the Commonwealth.

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